ANNUAL REPORT

ON THE ACTIVITIES OF THE RA HUMAN RIGHTS DEFENDER AND ON THE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE COUNTRY IN 2013

YEREVAN 2014

CONTENT

MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- In spite of all the failures in judicial system, the Minister of Justice initiated disciplinary proceedings against only 4 judges.
- The sum of fees levied by notaries keeps being uncertain, as a result of which the notaries levied different fees from different people for one and the same service.
- In some cases compulsory enforcement officers did not inform the lenders about the time and place of inventory taking. Besides, the decision of direct sale of the property was not taken at the moment of inventory taking, but long after it. As a result, the requirements of the law were violated and people lost money due to them.
- Despite the new circumstances, in a number of cases the JACES (Judicial Acts Compulsory Enforcement Service) denied the reinstitution of closed enforcement proceedings, so people's rights, which were declared by the court decision to have been violated, were not reinstated.
- In a number of cases the JACES employees did not fulfill their responsibilities diligently as a result of which legal rights of people suffered.
- Because of absence of definite rules, transfer of convicts to the Hospital for the Convicts had been realized with double standards; that is in one case the patient was transferred to hospital, in another case he was not. At the same time healthy convicts were also moved to hospital for a certain sum of money.
- The problems concerning overcrowded penitentiary institutions (PI), abuses and corruption by the employees there, as well as problems of parcel receive, remain unsolved.

- The level of occupation of convicts, including minors, in working, educational or other spheres, remain to be low, being just 18,6%.

- Not enough measures were undertaken for improving the conditions of convicts in PIs, as a result of which many complaints were registered, concerning the quality and quantity of food, medical aid, bad communal conditions and other problems.

- The rights and responsibilities of hunger-strikers were not envisaged by the law. As a result there were registered cases of keeping the hunger-strikers in the cells and not isolating them from other convicts.

- The extradition of some RA citizens detained in other countries were not realized with the reasoning that PIs are overloaded, which is not a sufficient ground according to international obligations.

- The list of diseases, incompatible with serving a sentence, and their definite criteria were not adopted yet. As a result, in a number of cases, convicts with serious illnesses were not discharged of serving a sentence.

- Though Yerevan-Kentron is a criminal-executive institution, there are no long-term visit rooms there and even the toilets are not isolated from the cells.

Positive Developments Registered

- In the framework of strategic programme of the RA legal and judicial amendments in 2012-2016, projects have been developed by the RA MoJ for making amendments in a number of legal acts.

- By the direct order of RA Minister of Justice, a working group was created for developing legal amendments and corresponding projects based on the decisions of the RA Constitutional Court. As a result of the work carried out by the group amendments were made in the RA Administrative Procedure Code, in RA law “On Legal Acts” and in other laws.

- The Ministry developed RA Government decision project “On strategy concept of development of civil society organizations in the Republic of Armenia”, the revised version of which is being used now.
- The first subsidiary building of new criminal-executive institution “Armavir” was put into operation.
- The RA Ministry of Justice developed and put into circulation the project on discharging imprisoned convicts from punishment on the basis of serious illnesses.

THE POLICE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- While there were numerous complaints that the police in order to obtain testimony and other information used force, cruel and inhuman treatment against people, the Police recorded only 4 such cases.

- Out of 363 cases of violence recorded against arrested or detained persons only in 3.4% of cases criminal proceedings were initiated, which proves that the cases were examined superficially (for example, all the possible investigation activities: interrogations, confrontations and etc., were not conducted).

- In the case of Closed Market illegal construction the Police was inactive by refusing to initiate a criminal case, thus resulting in the irreparable damage that was caused to that historical and cultural monument.

- Numerous persons, including teenagers, were "invited" to the Police departments and were kept there against their will although the Police do not have such authority.

- The police in separate cases during assemblies was intolerant towards the participants of the gatherings and unlawfully dispersed the gatherings thus violating the rights of those persons to peaceful assembly (during the protest assembly in Komitas 5 address).

- The necessary inspections, operative other measures were not conducted in Komaygi Park, as a result of which prostitution and sex in public places which is considered a hooliganism were not eliminated from the children's park.

- The police officers in order the dispersal of assemblies, used unlawful physical force against some participants, shoved and hit the participants even when there were no resistances.

- There were complaints on the fact that the persons brought to the Police Departments were registered late, or were not registered at all in the registry book, as a result of which the persons were kept in the police departments longer than the law enshrines as well as were not aware of their status (accused, witness or etc.).

- A number of cases were registered, for example, when during the assemblies the police officers while being on a service, were in civilian clothes, whereas, according to the law, while maintaining public order the police officers are required to wear a uniform to be identifiable for the persons.

- In a number of cases, the Police Officers unnesseccarily delayed in the investigative activities, such as without basis interrogate citizens for a long period of time.

- 1399 incident were registration, when the police officers violated the 10-day period for reporting the crime.

- Signaling traffic light for visually impaired persons was installed on only one intersection, as a result of which those people were deprived of the opportunity to move independently.

- In separate cases, traffic violations recording speedometer equipment were installed and operated without any warning signs.

Positive Developments Registered

- Targeted preventive measures, such as raids and walks in possible criminal sites, parks, gardens, entertainment places and other crowded places, are organized and carried out in different administrative districts under the Police service.

- The Police review of the written-complaints of the persons addressed to the Police, as well as of the publications in media has essentially improved.

- In order to compile the convention travel documents of persons who were granted the refugee status to internationally approved standards, the RA Police prepared and put into circulation the draft of the amendments and changes to the RA Law "On Refugees and Asylum."

- Cameras will continue to be installed in the Police administrative buildings.

- During the 2013 141 unlawful officers were subjected to liability as a result of the examination of the Internal Security Department of the RA Police.

- Due to the “Vagrant and beggar 2013” project conducted by the Police in 2013 61 minor vagrant and beggars were revealed; with some of them and their parents preventive activities were conducted, and others who needed long-term social and other services, were directed to FAR's Children's support Centre.

RA NATIONAL SECURITY SERVICE ADJUNCT TO THE REPUBLIC OF ARMENIA

The RA National Security Service adjunct to the Republic of Armenia Government provides the security of an individual, society and the state, the protection of citizens' rights and freedoms from internal and external threats etc.

In 2013, the National Human Rights Defender received only 7 complaints regarding the lawfulness and alleged human rights violations by the NSS, such as, for example, borrowing documents, restrictions on the persons' freedom of movement, rejection on providing some information etc.

The study of the alarms received revealed that in some cases the Service employees "invited" people to the NSS. These activities were carried out taking into account Article 15 of the RA Law on "Operative-searching activities" relating to the operative inquiry. Whereas the mentioned article provides that operative inquiry is collecting information related to the surely known, committed or continuing crime as well as other circumstances subject to clarification during operative-searching activities through asking questions and receiving answers from those legal or physical persons who actually or allegedly possess information. That is to say, the mentioned provision doesn't provide for any regulation pertaining to the process and/or lawfulness of "inviting" and keeping the person in the relevant department. The examination of Article 15 of the Law makes it clear that it exclusively applies to collecting information by the employees of the competent state bodies, but in practice, as a result of broad and arbitrary interpretation of this provision the latter is applied for justification of lawfulness of inviting persons to departments. The interpretation given to Article 15 of the Law gives rise to the risk of unlawful restriction of human rights without prescribing clear restrictions and/or clarifications on the procedure, place, time and other similar circumstances of the operative inquiries. The absence of regulations regarding the operative inquiry procedure creates a situation where persons are not informed about voluntariness of the respective inquiry and the right to refuse giving information at any time. Hence, we can conclude that there is generally a problem of legislative gap with respect to the issue presented. It should be noted that the RA Constitutional court expressed its position in the ՍԴՈ-864 and ՍԴՈ-914 decisions regarding the competence on taking the cases on legislative gaps under its review. According to the position of the Constitutional Court the regulatory legal solution of the legislative gap falls within the competence of the legislative power. Therefore, before the question raised is given its legislative solution, the NSS should be consistent in clarifying the voluntary nature of the activity of "inviting" persons to department.

Another problematic issue relates to some legislative gaps and/or uncertainty of some legal regulations within the RA Law on "Operative-searching activities" as a result of which some operative-searching activities of the NSS officers, particularly, including surveillance of

correspondence, postal, telegraph and other communications, as well as of telephone conversations have created a risk of an unlawful restriction of human rights. The Articles 31 and 14 of the RA Law on "Operative-searching activities" state that the operative-searching measures can be carried out only in cases where the person against whom they are held, is suspected of grave and particularly grave crime, and if there are strong evidences that there are no other means for acquiring information by the body implementing operative-searching activities as set for by law. The aforementioned law doesn't clarify which are those substantiated evidences enabling to carry put operative-searching activities and what is the criteria for determining whether the evidence collected is substantiated or not. The above mentioned operative-searching activities should be strictly regulated as otherwise a risk of unlawful restriction of persons' rights established within the RA Constitution and other legal acts can emerge. Thus, measures should be taken aimed at legally clarifying the term "substantiated evidence" within the Law on "Operative-searching activities".

Another problem relates to eradication of materials acquired through surveillance of telephone and other communications as a result of operative-searching activities. According to the Article 6, paragraph 4 of the RA law on "Operative-searching activities" the materials and documents acquired from a person as a result of operative-searching activities are subject to eradication in a three months period following the rejection of criminal proceedings or the absence of the incident of crime or termination of criminal proceedings based on the absence of elements of crime in the act or acknowledgment of the lawfulness of the inflicted damage within the criminal legislation, or the adoption of acquittal verdict. However, there are practically no clear mechanisms to determine whether those materials have been eradicated within the 3 month period or not. Therefore, in order to solve the problem clear mechanisms and guarantees should be defined for determination of the fact of eradication of documents and materials acquired from a person through operative-searching activities.

In 2013, the NSS has numerously informed the public about the course and/or result of examination of those cases which had received wide public response. Taking into account the importance of the right of public to be informed, we welcome the policy adopted by the NSS with this regard. Additionally, consistency should be maintained regarding informing public about the course and interim/final results of investigation of cases which have gained wide public concern within the requirements of the Criminal procedural legislation insofar as it doesn't jeopardize the rights of persons involved in the criminal case and the interests of investigation.

RA SPECIAL INVESTIGATION SERVICE

The Problems and Shortcomings in the Sphere

- From 87 cases of violence by officials only 2 criminal cases were initiated by the RA Special Investigation Service, which may indicate that the cases were examined superficially (e.g., all possible investigative actions, such as interrogations, confrontations, etc., have not been implemented).

- It has been 6 years since the SIS opened investigation of the 10 victims of March 1 started. Despite the fact that the question was always in the center of attention of the community and has received wide publicity, the Service failed to produce any new information regarding the criminal case throughout the course of 2013 (as opposed to year 2012).

- Despite alarming news from media outlets, SIS did not open any investigations regarding the the use of violence by the public officials. The Service is obliged by law to investigate these alleged cases and, if necessary, initiate criminal proceedings.

- Adequate steps were not taken to investigate alleged ballot stuffing and physical abuse/violation of journalists. As a result, the guilty parties were not brought to justice and these cases were suspended.

- The service passed the investigation of multiple cases to other investigative agencies that do not enjoy the same absolute independence as the SIS does. Although SIS developed a draft law intended to solve this problem, it has not yet been adopted. The transfer of cases between SIS and other investigative bodies impinged upon the fair and just investigation of criminal cases.

- In many cases, SIS investigators violated the mandatory 10-day period for opening an investigation based on reports on crime.

Positive Developments Registered

- During 2013 the Service sent 48 cases to court with indictment. Of these cases 35 were criminal acts committed by officials.

- SIS contributed to the drafting, development and circulation of new RA laws, intended to expand the jurisdiction of the Service and and enable its investigators to work on other investigative bodies' cases.

- SIS consistently upheld transparency and openness in all of its activities, thus increasing public awareness about its activities.

RA PROSECUTOR GENERAL'S OFFICE

The Problems and Shortcomings in the Sphere

- Only 12 criminal cases of violence were filed out of 363 recorded in police departments, which testifies that as a result of non-conscientious control cases of violence, were examined superficially. It means that all the possible investigative actions weren't carried out (interrogations, confrontations, etc).

- The preliminary investigation bodies involved the suspect in the investigation first as a witness, as the witness is obliged to give all the information he/she knows, later they involve the same witness as a suspect or a defendant in the same case using the information he gave against himself. Namely, the law requirement was circumvented by the allowance of Prosecutor's Office, according to which it is forbidden to make a person testify against himself.

- The criminal cases of people who died in the army in peaceful conditions continued to be undisclosed or incomplete because the Prosecutor's Office didn't ensure the interrogations, confrontations and other investigative activities necessary for those cases.

- When choosing a means of prevention the Prosecutor's Office always gave preference to arrest, however, the legislation envisages other means of prevention, such as a pledge, an undertaking not to leave a place, a personal guarantee, etc. In many cases such widespread application of arrest not only restricted a person's freedom inappropriately, but also led to overwork in penitentiaries.

- Cases of the Special Investigative Service were often passed to other investigative bodies by the Prosecutor's Office which don't have the freedom of the service and cannot provide fair investigation of those cases. Namely, the Prosecutor's Office didn't reasonably use the discretion granted by law.

- Although the Prosecutor's Office is obliged to provide juveniles and disabled people who are under the care of detained persons with means of subsistence, however, this obligation wasn't generally carried out.

- In many cases the Prosecutor's Office didn't establish a respective control over the activities of bodies of preliminary investigation and inquest, as a result of which the victim wasn't provided with the decision to annul the criminal case, the examination procedure of reports about crimes wasn't maintained. As a result, law requirements were violated and people were deprived of the effective defense of their rights.

- Because of the obvious legislative gap, when accusing a person in certain cases, the prosecutor and the investigator have opposing positions. As a result of opposition between the prosecutor and investigator the decision about the accusation was often changed and many people found themselves in ambiguity for months being unaware whether they are accused of any crime, or not.

MINISTRY OF LABOR AND SOCIAL AFFAIRS OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- The introduced mandatory funded pension system has been controversial and has caused a number of problems, in particular, certain limitation on use of wages and accumulated sums, in some cases impossibility of obtaining accumulated sums, uncertainty of legal category of mandatory accumulative payment, age distinction.

- The minimum wage is set 45,000, which is less than the minimum monthly amount required for survival of a person (the minimum consumer basket is about 56.000 drams).

- Large families haven't been provided with adequate social support, as a result of which a number of families have found themselves on the margin of poverty.

- Trade unions are generally not formed and cannot effectively operate, because necessary steps haven't been taken aimed at their formation. Therefore, the protection of the rights of employees from the abuse by employers is insufficient.

- There have been many cases where the employee hasn't been provided with a signed copy of the employment contract, the salary was not paid, the compensation paid for occupational injury has been illegally terminated as well as a number of other labor rights violations.

- No clear standards have been drafted aimed at preventing the employers from firing employees on the grounds of their reaching the retirement age.

- There have been cases when the Ministry violated the law not providing the socially unsecured person with a flat.

- As a result of legislative flaws and ineffective supervision by the Ministry, custody and guardianship bodies haven't properly carried out their functions, in particular, no children's life studies and home visits have been conducted, as well as subjective judgments have often been given.

- As a result of Ministry's inefficient activities the issues concerning discovering beggar and vagrant children and providing them with shelter, providing orphanage graduates with housing, adoption of children with disabilities remain to be unsolved.

- The employment issue of the persons with disabilities continues to remain unresolved, because even the new law hasn't provided them with sufficient number of mandatory workplaces.

- As a result of legislative gaps, a number of employees haven't received compensation for damages caused by workplace accidents and occupational diseases.

- A new amount for the burial allowance has been set - 200,000AMD, which is far less than the previously established amount. As a result, the burial allowance paid to the families in case of death of the pensioner has reduced, whereas previously it was 25 times of the pension.

- Due to legislative gaps, people were unable to receive their relatives' benefits when presenting the power of attorney.

- As a result of the conflict between laws in case of the pensioner's death, his relatives have not been able to receive the latter's unpaid pension as a heritage.

- In some cases, Ministry has violated the law and the Constitutional court decision by rejecting to grant disability pensions based on Armenia's Embassy consuls' and notary ratified powers of attorney.

- The law does not define and hasn't equate the terms "professional experience" and "scientific-pedagogical experience" to the term "professional work experience", as a result of which a number of persons may be deprived of the privileges envisaged for the persons with professional work experience (for example, in cases of applying for a job, receiving pension and in a number of other cases).

Positive Developments Registered

- Disability determination criteria have been developed for the competent authorities relating to the sphere of medical examination.

- Labour and Social Research National Institute has conducted professional training for 136 experts from 3 specialized orphanages, and for 226 experts from other entities providing child care and protection.

- In other to return children to their biological families and place them in a foster family 25 children have been prevented from being placed in a childcare institution within the framework of the program on "The services on returning children from Child care and protection institutions to their families to/unloading and prevention", and 25 children have been returned to their families from the respective institutions.

- A methodology on providing care and social services to the persons with mental health problems has been developed based on diagnosis, pathological conditions and disease severity of these people which also provides electronic information storage and management mechanisms.

MINISTRY OF HEALTHCARE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- Despite the Government's decision, in a number of cases, people with disabilities, as well as children up to seven years old, have not received free or discounted medicines.

- Rules of medical ethics have not been defined yet. As a result, in cases where doctors failed to maintain doctor-patient confidentiality, or demonstrated disrespectful treatment toward patients, had not been punished.

- The law still lacks the "medical error" concept, as a result of which it is impossible to objectively evaluate medical negligence, wrong medical intervention and other cases, as well as their possible consequences.

- The financing of vitro fertilization of needy infertile couples, which costs, in average, 3500-5000 USD, has been insufficient. Hence, thousands of infertile couples were deprived of the opportunity of having a child.

- Human life-threatening "Multiple Sclerosis" disease has not been included in the Government's decision on list of diseases for which the drugs are given for free. As a result, the expensive drugs for the persons suffering from the mentioned disease are not available most of the time.

- There have been no legislative regulations aimed at the prevention of a widespread problem of sex-selective abortions.

- As a consequence of the low salaries of psychiatrists and a lack of sufficient scholarships available at universities, the number of psychiatrists has been unsatisfactory.

- In a number of cases, persons suffering from cancer have not been provided with free chemotherapy as envisaged by law.

- Because of the lack of legislative regulations, doctors were unprotected from patients' psychological pressures and insults.

Positive Developments Registered

- The state control over drug quality, efficiency and safety has been significantly clarified and regulated.
- Rehabilitation centers for child development have been established in Kapan Medical Center and N 9 Children's Polyclinic.
- In order to provide better communication with the population, wireless connection system has been set up which, particularly in emergency situations, enables persons to directly connect with major medical centers, 1-03 emergency medical service.
- Due to the Ministry, nearly 300 workers, most of them being regional doctors, have been provided with free training.

MINISTRY OF EDUCATION AND SCIENCE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- Inclusive education was provided only in 117 schools out of 1400 in Armenia, moreover, with obvious omissions. As a result, the right of education of thousands of children with disabilities was violated as only 8% of schools are available for them.
- As a rule the tuition payment deadline of students of socially vulnerable families wasn't prolonged, which caused serious troubles to those students, i.e. from improper financial burden up to removal from the university.
- In the Education field cases of collecting money, differentiated approach towards pedagogues, as well as cases of illegality by the directors continued.
- In separate cases in scientific competitions the members of commissions acted also as participants and demonstrated preconceived attitude, but as a result of the legislative gap the participants of the competition were deprived of the possibility to challenge that member.
- As a result of deficient checks, cases of medical treatment level, expired medications or in general cases of their absence weren't revealed.
- The Ministry didn't undertake any measures to solve the issue of politicized student councils in some universities, as it contradicts the non-politicized principle of universities.
- Utility conditions of schools in Yerevan and regions weren't improved, as a result of which a number of schools still remain in an extremely poor condition up to day.
- In separate cases as a result of incorrect calculation of the schools' directorate teachers didn't receive their social package money.
- The elections of the schools' directors were held with omissions, the reason of which was the incomplete order regulating it.
- During Scientific degree award some authorities of Supreme Certifying Commission, as well as the double protection of the spokesman should be envisaged by law. However, they are stipulated not in law, but, for example, in decisions, orders.

Positive Developments Registered

- By N52 protocol decision of December 27, 2012 of the RA Government the concept of "Sustainable school food" program was established as a result of which pupils of 700 elementary schools in the territory of the Republic were provided with food.

- The RA National Assembly approved in first reading the RA draft law "On making amendments and changes in the law of the Republic of Armenia "On General Education" which was processed by the initiation of the Ministry.

- By 21.11.2012 N1061-Ա/Ք decision of the RA Minister of Education and Science "Order of guarantee of examination and use of manuals used in comprehensive, including in pre-school educational institutions" was established which was sent to the RA Ministry of Justice for registration.

MINISTRY OF CULTURE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- The Ministry hasn't conscientiously provided the maintenance of historical and cultural monuments, as a result of which, for example, Pak Shouka in Yerevan has lost its image.
- A number of state theatres haven't been repaired and technically equipped for years, such as theatres after G. Sundukyan, H. Paronyan. Some theatres don't even possess their own separate territories, for example the State Mime Theatre.
- A number of cultural buildings still remain inaccessible for people with disabilities.
- Ignoring numerous urgent cultural issues the Ministry allocated extremely great financial means for separate events without sufficient justifications.
- The cultural halls aren't provided with necessary technical equipments which hinders artists' live concerts.
- The Ministry didn't provide sales and other privileges to people of socially vulnerable families, as a result of which those people were deprived of the opportunity to take part in cultural life (e.g. concerts, museums, theatres and other cultural events).

Positive Developments Registered

- During 2013 repairing and restoration of a number of churches and other cultural and historical centers were implemented.
- Numerous events were implemented, in particular in Gyumri town, Lori, Armavir, Ararat marzes aimed at the development of culture in RA marzes.
- The RA draft law "On museums and RA museum fund" was processed which will regulate a number of issues of the field.
- By the decision of the Government the standards of changes of monuments were established.

MINISTRY OF SPORT AND YOUTH AFFAIRS OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- A number of young people and young families living in regions were not provided with sufficient social assistance as a result of which these people are at the edge of poverty.
- The Ministry organized just one event on providing young people with work, as a result of which many young people are still unemployed.
- In some cases, there were complains concerning the state project called 'Affordable Housing for Young Families' as the criteria of selecting young families were not clear.
- Sufficient funding was not provided for involving people with disabilities in sport life, and for the sportsmen to take part in Paralympic games.
- Despite the requirements of the law, adequate measures were not carried out for training the coaches of youth sport schools, as well as for increasing their salaries.

Positive Developments Registered

- In 2013 many new sport yards were built and exploited in regions of the Republic of Armenia, particularly in Gegharkunik, Kotayk, Shirak, Lori and Syunik, as well as in the last years, 60 playgrounds with small football fields were placed in the yards, including 25 in Yerevan.
- The event "State sport games in regions of the Republic of Armenia and in the Republic of Nagorno Kharabakh" was held for the preservation and development of the national sport games.
- In the year of 2013 "Affordable Housing for Young Families" state target program increased in the number of beneficiaries.

STATE REVENUE COMMITTEE ADJUNCT TO THE REPUBLIC OF ARMENIA GOVERNMENT

The Problems and Shortcomings in the Sphere

- The SRC has examined 225 cases on shadow activity, but criminal proceedings were instituted only for 25 cases, as 89% of the cases were examined superficially. As a result the indicator of shadow economy hasn't changed for years composing about 35-40%.

- Some officials of tax or customs authorities or their relatives-the husband, children, sisters, brothers, were simultaneously engaged in entrepreneurial activity. As a result, those people received illegal benefits over other entrepreneurs in the same market.

- The SRC has made a large number of decisions (5712) on tax seizure without exhausting other measures of restriction, such as penalties, doubled penalties. Moreover, the seizure put on entrepreneurs' property and the whole financial means has significantly exceeded the amount of tax debt. As a result, entrepreneurs were deprived of both their bank accounts, both the opportunity to dispose the property.

- As a result of the Legislative gap the SRC was given discretion to apply the penalty within two months after not only committing the violation, but also revealing it. As a result, the SRC, not using the discretion conscientiously, in one case exposed people to liability, in another case didn't.

- In a number of cases the SRC exposed entrepreneurs to both administrative, both tax liability for the same act violating the constitutionalism of norms presupposing double liability for the same act.

- As a result of uncertain interpretation of the concept "person" in the law "On turnover tax" entrepreneurs were obligated to pay both the VAT, and both the turnover tax with fines and penalties. As a result, the entrepreneurs suffered serious financial losses, and some of them even appeared in danger of bankruptcy.

- The investment of the new CCMs was implemented with a number of deficiencies, i.e. the cost of CCMs wasn't affordable, their technical service was incomplete, no proper discussions were organized with entrepreneurs and other interested persons on the new CCMs.

- The SRC hasn't submitted any available documents where the customs value of goods and cars and their decision rules are clearly mentioned. As a result people didn't have

an opportunity to foresee the Customs Clearance price of the goods and cars they bought and its decision process.

Positive Developments Registered

- For the legislative clarification of the concept "person" mentioned in sub-point "b" of point 4 of paragraph 3 of Article 4 of the RA law "On turnover tax" a package of numerous projects was processed and submitted to the RA Ministry of Justice for state legal expertise.

- The SRC training centre organized preparation and training courses for all general professional groups of tax and customs officers (service staff of taxpayers, inspections, lawyers, operatively-search personnel, IT specialists, etc), within the framework of which 4073 listeners were involved in general.

- Measures were undertaken towards revealing economic entities conducting cigarette lottery through automatic machines in open areas of the RA whole territory, as well as undertaking respective measures as prescribed by the RA Legislation.

STATE COMMISSION FOR THE PROTECTION OF ECONOMIC COMPETITION OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- Due to the broad discretion of the Commission envisioned by the legislation different ungrounded dimensions of penalties were assigned to firms who made similar or the same violation. Thus, the Commission has applied double standards which hindered the establishment of healthy competition.
- There were cases when the Commission initiated proceedings against the dominant businesses, however did not detect violation. For example, only in the first quarter 99,8 % of sugar was provided to "Alex Grig" company, however according to the Commission this was not a case of abuse of dominant position.
- Although there were numerous public complaints on some businessmen dominant position in the fishery and fish food market, the Commission did not undertake/failed to undertake any market research.
- In the absence of real and complete economic competition the Commission found only one case of a hindrance to the entrance of a new business in the market.
- The Commission, having the opportunity envisioned by the legislation, did not initiate any step in order to prevent the merging of companies in the sphere of retail trade.
- The public trust towards the Commission continue to stay low, the evidence of which is only the 68 complaints addressed to the Commission.

Positive Developments Registered

- The antimonopoly and local competition indicators were improved.
- During the 2013 in regards to the possible violations of the Republic of Armenia Competition legislation 165 administrative proceedings were alleged by the Commission and as a result of the administrative proceedings about 200 administrative acts were accepted.

- The Commission developed the drafts of amendments and changed to the “RA Law on the Protection of Economic Competition”, “RA Law on the Bankruptcy”, “RA Law on the Organization and Initiating of Inspections.”

MINISTRY OF ECONOMY OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- The Ministry did not ensure adequate conditions for exporting businessmen, such as the reduction of formal requirements, access to foreign markets.
- Foreign investors did not properly present the advantages and achievements of the local market, such as starting a business and simplified registration procedures of real estate, non-discriminatory conditions for foreign investors.
- Necessary measures were not implemented to provide the development of traditional fields of economics which led to their gradual disappearance. (horology, light industry, jewelry production etc.).
- A single public body dealing with protection of consumers' interests and providing effective control of the sphere was not established as a result of which consumers' rights and interests were not protected.
- Existing legislative gaps, as well as disproportionately high taxes hinder the development of small and medium-sized enterprises.

Positive Developments Registered

- The Ministry developed "Supporting small and medium enterprise entities, 2013" program as well as "Support for small and medium business entities, 2014" program, which were subsequently approved by the Government N1511-Ա decision of 26.12.2013.
- A number of events in the field of tourism development were carried out by the Ministry.
- In order to provide wide-spread awareness among consumers, the Ministry organized seminar-workshops in Yerevan and regions for interested target groups, including non-governmental organizations operating in the field of the protection of the rights of the consumers.

MINISTRY OF ENERGY AND NATURAL RESOURCES OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- Numerous violations of the mining exploitation legislation were registered, for example, mining exploitation without permission, and the breach of exploitation contracts. The mentioned problems indicate an inadequate supervision by the Ministry and insufficient preventive measures.

- Due to legislative flaws, the dangerous materials and wastes generated and transported are not regulated. As a result, serious dangers to public health and the environment occur.

- Despite the adoption of the risk assessment rules, a number of complications have emerged during inspection of power plants as a result of a number of deficiencies in the abovementioned rules.

- The Ministry organized only one public discussion, despite a number of issues of public concern, such as the use of mineral resources, hydro-power plant constructions and risks of their exploitation.

Positive Developments Registered

- In 2013, as a result of oversight towards compliance with rules of safety as set forth in technical regulations and other legal acts in the RA energy field, 677 inconsistencies and deficiencies have been registered. Consequently, cancellation orders were given, and administrative sanctions were imposed on violators.

- During 2013, many risk-based inspections were undertaken in the mining industry area, as a result of which violations of the RA Mining Code requirements by the 53 business entities were recorded and administrative penalties were imposed on them.

MINISTRY OF AGRICULTURE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- In a number of cases, persons engaged in agriculture did not receive any profit, because the loan rates were too high, and the timeframe for repaying the loans was extremely limited.
- The damage inflicted upon persons engaged in agriculture as a result of natural disasters was not sufficiently compensated by the State. As a consequence, thousands of families were deprived of means of subsistence.
- The agricultural insurance issue was not solved yet, as a result of which compensation for the damage caused by natural disasters for persons engaged in agriculture is not guaranteed at all.
- In some regions, the issue of establishment of anti-hail stations and insertion of radio-locating network was not solved yet; as result of which people continue to suffer from the effects of hail.
- There were not established sufficient numbers of slaughterhouses as places for the proper slaughter of livestock, which results in the sale of meat of unknown origin, threatening the life and health of the consumer.
- The Ministry did not implement effective programs aimed at increasing livestock, their productivity, as well as in the field of wheat seed development.

Positive Developments Registered

- In 2013, the Food Safety Inspection of the Ministry of Agriculture conducted 220 inspections, out of which 91 had been planned, including 114 non-planned inspections and 15 implementation of recommendations, all aimed at eliminating the violations revealed as a result of inspection. References were made on 75 cases, and 145 cases related to the decisions on imposing administrative penalties. Based on 110 inspection orders by the head of service, visits had been executed to 1551 business entities, out of which 1106 inconsistencies were found and 360 records were made on suspension of sales.
- During 2013, measures were undertaken with the aim to increase the size of farms, and to accelerate the agricultural and rural service infrastructure formation.

- In order to regulate and improve the legislative framework, the Ministry presented a number of legislative recommendations.

- During 2013, as a result of the depreciation of agricultural machinery, within the framework of the agricultural machinery assembly, gradual upgrading of agricultural equipment with lower prices was imported to Armenia.

MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- As a result of commanders' insufficient attention in the course of the year, 16 soldiers died in the Army, including 8 soldiers performed suicide, 4 soldiers died because of illnesses, 3 soldiers were killed and 1 soldier died as a result of violation of the rules on the use of weapons.

- According to the official data, 241 cases of non-regulatory relations were registered, such as performing humiliation and persecution over soldiers, humiliating his honor and dignity.

- Young inductees with heath problems were not informed in advance about service forms that are contraindications to them, for example, work requiring great physical tension, night duty, etc. As a result, many soldiers' heath was heavily damaged, even making some soldiers disabled.

- In many cases soldiers did not go through thorough medical consultation. According to official data, 728 complains were received on the decisions of the Military Medical Committee.

- In a number of cases people were not provided with the decisions of the Military Medical Committee, as a result of which people were actually deprived of their right to appeal those decisions.

- Unlike last year, the commanding officers of the army units did not reveal the cases concerning the commands endangering soldiers' health. As a result, people ordering such commands were not punished and such cases were not prevented.

- Although there were many complaints on the defective medical assistance to the soldiers, the Ministry discovered only 2 cases, in connection with which even criminal case was not filed.

- 51 cases on abuse of food distribution in army units were recorded, only 7 of which brought to criminal cases, which may indicate that the Ministry superficially examined such cases. In other words, on approximately 86% of the recorded cases, all the possible investigatory actions (interrogations, confrontations, etc) were not implemented.

- The Ministry did not settle the issues on providing a number of soldiers with housing conditions yet.

- The procedure of selecting places with the help of ballots for compulsory military service was implemented with many flaws. In particular, even the principles the Defense Ministry's order defining it, are not available to the public, and it is not clear how the right of privileged inductees are supported (for example, the only child of a single and retired mother or father or the inductees being married and having a child).

- In many cases, the officers' right to early termination of the contract was violated as highest commanders' staff delayed the signature of decrees for months.

Positive Developments Registered

- Prophylactic and preventive measures were implemented to prevent violations of regulatory rules and relationships of the soldiers.

- In 2013, 37 soldiers by number were provided with houses, and monetary compensation for rental houses were allocated for 1024 soldiers.

- The Ministry implemented various courses and lectures on human rights to increase legal awareness of soldiers.

- New order, concerning the expertise of heath status of soldiers and men liable for military service, was adopted.

MINISTRY OF NATURE PROTECTION OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- According to official data, in 2013 the total number of illegally cut trees amounted to 2031, which is around 10 percent more than in 2012.
- As a result of the Ministry's inconsistent and insufficient activities, a number of cases of illegal hunting and poaching were registered in "Khosrov Forest" reserve, Paros forest and other protected green areas.
- As a result of unlawful and unconscientious use of hydropower plants a number of rivers were standing at the edge of drying up.
- The Ministry did not take any measures to prevent decay and swamping of Tairov village lands caused by wastewaters.
- The competition for the position of the "Khosrov Forest" reserve director was organized with a violation of the Government decision, as it was not open for the non-governmental organizations and journalists.
- Despite several complaints, the Ministry hasn't conducted necessary checks to determine whether the Teghut mining exploitation project had previously passed an examination or not.
- The studies conducted by the Ministry have demonstrated that the exploitation of the Kajaran open mine doesn't cause air pollution. However, studies by independent industry experts suggest that the exploitation of the Kajaran open mine causes air pollution as a result of which a number of children were diagnosed with cancer-causing substances.
- Despite the Aarhus Convention requirements, a special independent body was not established as an alternative to the courts, enabling people to appeal the decisions of the Ministry.
- The issue of safe removal and eradication of chemicals and wastes was not solved yet despite being the responsibility of the Ministry.
- The Ministry drafted the Law on "Environmental Impact Assessment and Examination," without taking into consideration the opinion of environmentalists

according to which the draft law is more focused on the development of the business environment, rather than on prevention and solution of environmental problems.

Positive Developments Registered

- Due to the 10.01.2013 N 11 - N Government decision amendments were made to the stuff structure of the RA Ministry of Nature Protection and Information and Public Relations Department was created which included the Information and Eco-education Department.
- Trainings on prevention of illegal hunting were held in the schools of Kapan, Lichk and Geghi villages.
- A number of cases of illegal logging and poaching were revealed and the offenders were subjected to responsibility.
- Events regarding the Qajaran air basin quality monitoring were organized by passive sampling method.

CENTRAL ELECTORAL COMMISSION

The Problems and Shortcomings in the Sphere

- During the elections over 300 alarms were received on violations, e.g. election bribery, voting more than once or instead of another person, stuffing, hindering the activities of journalists and observers.

- During the elections cases of abuse of administrative resources were registered, such as enthralling the authorities of state officials for one of candidate's sake, as well as involving state officials in the election campaign.

- The participation of people with disabilities in elections wasn't available as in general the polling stations didn't have rampant, moreover, the Electoral Code doesn't envisage special regulations for those people.

- Despite the law requirement in many cases stamps on passports were easily removable. Despite this the Commission didn't discuss the issue of investing a more effective method instead of stamps, e.g. inking of voters' fingers.

- It was recorded that in those polling stations where the participation was above average there was substantially a large number of votes for the winner candidate.

- As a result of the legislative gap the issue of providing the prisoners with the right to vote remains unsolved. The matter is that all the prisoners, regardless of the seriousness of their crime, are deprived of the right to vote.

- There was no effective system of appeal against the election results because, as a rule, people were unaware of the possibilities to appeal to the Administrative Court or the Court rejected their appeals.

Positive Developments Registered

- During the examination of the complaints addressed to the commission the legal formalism essentially reduced during the solution of the problems.

- The procedure and process to award qualification of being involved in the electoral commission and implementing observation were simplified.

- The qualification and organization of professional courses on holding elections essentially improved.

NATIONAL COMMITTEE OF TELEVISION AND RADIO

The Problems and Shortcomings in the Sphere

- As a result of monitoring, numerous cases of violation of the legislation by TV companies were revealed, which had not been fixed by the Commission.
- There was a lack of pluralism in broadcasting, and the inspections conducted by the Commission aimed at the maintenance of broadcasting pluralism requirements were obviously insufficient.
- Although 2015 July was set as the deadline for terminating analog broadcasting, legal regulation of the digitalization process by the ‘’Television and Radio’’ law was not realized yet.
- Broadcasting policy and regulatory shortcomings hindered the renewal process of digitalization of television broadcasting and transparency in ensuring pluralism.
- While the “Television and Radio” enables Commission to be involved in the law drafting process, the Commission did not take any measures to draft on effective legal mechanisms ensuring antitrust guarantees.
- The deaf and mute community is to be provided access to both subtitles and surdotranslation, but as a rule TV companies did not provide with the latter as a result of which these people were deprived of the opportunity of receiving full and comprehensive information. The Commission's investigations in this direction were not effectively implemented and adequate steps were not taken.
- The criteria aimed at defining erotic nature of TV programs, violent horror films, as well as other programs that can negatively impact children's mental and physical development, were not developed by the Commission. As a result, there has been a risk of displaying erotic or violent scenes in daytime television. The Commission did not respond to this issue justifying that no criteria were developed yet.

Positive Developments Registered

- During the 2013 elections, equal conditions were ensured for the candidates and / or their representatives, as well as the allocated airtime for the election campaign was satisfactory.
- According to the 2013 amendements in the "Television and Radio" Law, the deadline for the termination of analog broadcasting was set for 1 July 2015.

- According to the 2013 annual report of the internationally known "Reporters without Borders" organization, which reviewed the field of television, radio, and freedom of expression in the media all over the world, Armenia was recognized as a leader in the region.

PUBLIC SERVICES REGULATORY COMMISIION

The Problems and Shortcomings in the Sphere

- Alternative testing laboratories for water, electricity and gas counter machines check were missing. As a result, the consumers were deprived of the opportunity for unbiased checking of those counter machines.
- The Commission did not properly inform the public of the rise in gas and electricity prices and the reasons for that.
- The problem of water supply to people for all day remained unresolved.
- The regulations of electricity, water and other areas of service need to be upgraded.

Positive Developments Registered

- The monitoring of water system organizations by the Public Services Regulatory Commission had continuous nature.
- The complaints on the improper implementation of duties carried out by the drinking water supply services companies under the jurisdiction of the Commission mostly received positive solutions.
- 9 organizations (13 cases) were subjected to liability due to the actions and raids checkups of the Commission in 2013.

YEREVAN MUNICIPALITY

The Problems and Shortcomings in the Sphere

- Clear and transparent requirements of arbitrary construction were not defined, as a result of which in the course of tackling the issues of legal or illegal nature of these buildings, too broad discretions were given. In many cases such discretions raised corruption risks.

- In a number of kindergartens the quantity of children surpassed 30; as a result, children did not receive necessary care.

- The Municipality did not organize public discussions on increasing the transport fares, did not present sufficient bases and possible alternatives for increasing the transport fares, which aroused reasonable indignation of the public.

- Car parking system in Yerevan was introduced with serious shortcomings, for instance, people had to pay for 1 hour in case when they parked less than 1 hour, special free parking places were not envisaged for people with disabilities, nor were public discussions organized.

- The Municipality, instead of covering with asphalt the dilapidated streets of city outskirts, once again covered the central streets in Yerevan, though they were in good conditions.

- Adequate measures were not taken to prevent illegal construction of the Covered Market.

- Without taking into consideration the requirements of urban development rules in line with a range of negative effects caused to the inhabitants of Komitas 5, such as significant decrease of illumination of the buildings nearby, cutting of the trees in that area, etc, the Municipality, however allowed constructions in the area.

- The Municipality did not take any measures to eliminate prostitution in Komaygi Park, in particular the lighting of the surroundings was not increased and the park was not fenced, as well as it was not closed at nights.

- The entrance and exit of a number of buildings were unavailable to people with disabilities. In many cases there were no wheelchair ramps at all, and if they were available, the degree of the tilt was too high.

- Measures have were not undertaken to adjust public transport for people with disabilities.

Positive Developments Registered

- 80 wheelchair ramps were built in the yards and busy parts of the capital, as well as 293 ramps were built in the streets, where asphalt-concrete reconstruction was implemented.

- In order to reduce traffic jams, the road connecting Ulnetsi-Rubinyants streets was exploited, the constructions of highway linking Admiral Isakov Avenue to Leningradyan Street are in the final stage, and 4 overpasses were constructed as well.

- In the framework of "Support for Healthcare Organizations to Purchase Medical Equipment" project, 16 medical institutes under the Municipality control received 44 pieces of equipment, replacing worn-out and non-practical ones.

MINISTRY OF TERRITORIAL ADMINISTRATION OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- A number of cases were registered, when the head of the community did not fulfil or abused his/her powers, for example the complaints were not replied at all or were replied late, unauthorized construction of buildings was not prevented, the issue of accessibility of the buildings for the persons with disabilities was not resolved.

- Due to the elimination of forests of Lake Sevan Basin, the volume of the forests in comparison with the date of 1993 has decreased by 5000 out of 20 000 hectares resulting in a significant damage to the ecosystem of the Lake.

- Although the State is responsible for the provision of apartments to refugees, more than 900 refugee families still do not have an apartment.

- Only one temporary shelter for the refugees is within the jurisdiction and control of the Ministry, which is overpopulated. Thus, numerous refugees are forced to live in other shelters the owners of which at any time may revoke them from their places of living.

- The review of the refugee applications by the State Migration Service was conducted with the violation of the law; for example, the deadlines for the review of the complaints were not preserved, the refugee documents and references were not provided.

- In case of obtaining RA Citizenship by the refugee, their child loses his/her right of being a refugee. As a result the child obtains stateless status which in comparison with refugee has less rights.

Positive Developments Registered

- Deputy Prime Minister presented his suggestions to the RA Governors and Yerevan Mayor to undertake relevant measures in order to ensure the electoral rights of the persons with disabilities envisioned by the legislation.

- During the 2013 the Ministry has granted a refugee status to 226 Syrian citizens who sought asylum in the Republic of Armenia and provided them with shelter.

- In order to mitigate the disproportion developments of the territories, the capital investments in the marzes and Yerevan based on the state budget, as well as on other sources were reallocated.

- The Republican Commission on Alternative military service established by the N 797-Ա of 25.07.2013 by the RA Government, in general reviewed applications of 73 citizens out of which the applications of 72 citizens were satisfied, 20 of the citizens were sentenced to imprisonment and after the decision of the Commission were released.

MINISTRY OF URBAN DEVELOPMENT OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- Dozens of cases on arbitrary constructions contradicting urban development norms were recorded, such as Komitas 5, Covered Market, as well as more than 500 cases of violation in constructional requirement of buildings. This is the evidence of inadequate control and insufficient number of preventive measures taken by the Ministry.

- The Ministry did not take sufficient measures for the restoration and strengthening of residential buildings. As a result, thousands of residential buildings are not earthquake-proof, and some of them are badly damaged and unsafe for habitation.

- In the disaster zone as a result of earthquake 808 were left homeless, only 45 of which were provided with houses.

- Ignoring International and Domestic Obligations of Armenia, the Ministry did not adjust old and new buildings for people with disabilities. Such violations are recorded not only in Yerevan but also in regional cities.

Positive Developments Registered

- In accordance with the decision adopted by the Government the term “opening” was abolished from a number of legal acts, and in other relevant legal acts it was replaced by the term “non-residential territory” defined by the legislation.

- The inspections were conducted by the relevant departments of the Ministry, as a result of which cases of Legislation violations were identified and appropriate measures were taken to eliminate them.

- Clear measures were taken to improve legislation of regulating relations in connection with residential funding for multi-housing.

STATE COMMITTEE OF THE REAL ESTATE CADASTRE ADJUNCT TO THE REPUBLIC OF ARMENIA GOVERNMENT

The main objectives of the State Committee of the Real Estate Cadastre adjunct to the Republic of Armenia Government are the state recognition, guarantee and protection of rights to the property. Cadastre carries out state registration of rights, restrictions, usage of property (regardless of the property type) provides reliability, completeness, availability, modernity and publicity on the information on real estate rights and limitations, elaborates legislative and other legal acts drafts that are regulating the activities of the sphere, gives permission for the implementation of geodesic and cartographic activities and supervises over them.

In 2013 no vital and systemic shortcomings were recorded within the sphere of responsibility of the State Committee of the Real Estate Cadastre adjunct to the Republic of Armenia Government. Real Estate Cadastre demonstrated proper approach towards responding to Human Rights issues and continued to improve its activity. Some revealed shortcomings and achievements registered in the field are presented below, though not exhaustive.

In 2013, the State Committee of the Real Estate Cadastre has drafted and put into circulation the package of the draft law “On Amendments and Changes to the RA Law "On State Registration of Rights to the Property"" and other relevant drafts of other legal acts, which are to be shortly submitted to the Government for consideration. We welcome the fact that as a result of collaboration with the Cadastre the regulation suggested by the Defender and aimed at solution to the problem which has raised a public concern has been also included in the abovementioned package of draft laws. According to the Defender's recommendation if there's no condition specified with relation to termination of obligations of the parties upon expiration of the date as set forth by the contract or law for acquisition of the property right, after the expiration of the time period of effectiveness of the contract in order to annul the state registration of property rights acquired based on the contract (with the exception of the mortgage state registration) the application of one of the parties will be sufficient. At the same time, if the termination of obligations provided by law or contract is due to a particular condition, the state registration of the right implemented based on the given contract may be annulled after the expiration of the specified time period upon joint request from the both parties to the contract, agreement on rescission of the contract or judicial act.

As a result of legislative reforms the real estate register and electronic system of land cadastre will be connected to other electronic control systems resulting in increase of state management system's effectiveness through the principle of service delivery one window principle. As a result of undertaking of such measures aimed at improvement of the systems

the administrative body is unloaded from performance of a number of actions which are not its main functions and rather time-consuming (preparation of typical documents, personal identification, receipt of documents, handing over documents etc.) and hinder the administrative bodies from focusing on improving the quality of performance of its main function, taking into account the fact that administration often requires more appropriate in-depth knowledge and experience in the given sphere. The separation of service delivery and administration functions is welcomed and it will result in improvement of quality of administration providing much more time for state administrative bodies for the realization of their professional activities.

As a result of examination of complaints addressed to the Defender it has been revealed that in cases when there's a decision of a court on enforcing the realization of the support payment obligations, nevertheless, the decision remains unenforced due to the existing legislative gap. Particularly, cases have been registered in practice and it continues to be a substantial risk that in many cases when it's proved in the court during trial that the creditor does actually have sufficient resources (for example, real estate) to carry out his support payment obligations and when the court issues the writ of execution for the Compulsory Enforcement Service of Judicial Acts to initiate execution proceedings and organize an auction for the sale of the property, nonetheless, the Compulsory Enforcement Service of Judicial Acts doesn't succeed in organizing the auction of the property because the debtor doesn't register (or hasn't done it beforehand, or doesn't do it being aware or possible consequences) his/her actual rights on real estate in the State Committee of the Real Estate Cadastre. It, therefore, turns out that as a result of the bad faith actions and/or inaction the decision of the court remains unenforced. The Defender has presented a recommendation to the State Committee of the Real Estate Cadastre with regard to this issue to amend Draft law on "Amendments and changes to the RA Law "On State Registration of Rights to the Property"" with a new clause with the following formulation: "If the right arises from bases provided by the judicial act or is realized on bases of the cases provided by the Law on "Compulsory Enforcement of Court Decrees" then the state registration of the origin, modification, transfer termination can be carried out based on the request from the body providing compulsory enforcement". It's welcomed, that this recommendation has been, in fact, adopted by the Cadastre.

Citizens have expressed a concern according to which based on the order No. 290-Ն of 25.10.2011 of the president of the State Committee of the Real Estate Cadastre and decision No. 470-Ն of 17.04.2003 of the RA Government the residents of the same buildings of the same status as a result of non-uniform interpretation of the address of those building have payed property taxes on the bases of different coefficients, as a result of which one resident of the same building has payed higher tax, another one - lower. Whereas, different interpretations of the aforementioned order and decision can be eliminated in case of clarification of the respective clauses of the abovementioned two legal acts.

MINISTRY OF TRANSPORT AND COMMUNICATION OF THE REPUBLIC OF ARMENIA

The Problems and Shortcomings in the Sphere

- There were numerous complaints on the low quality of the public transportation service, in particular the overcrowding of the buses, depreciation, and timetable.
- Although July 2015 has been defined as the deadline for the termination of analogy broadcasting, the Ministry did not undertake sufficient measures in order to ensure legal, technical, material conditions and regulations for the digitalization of the broadcasting.
- The issue of parking and repair of parking places remain unsolved.
- Measures were not undertaken in order to make public transport accessible for persons with disabilities.
- The quality of roads linking some marzes, cities and communities was not improved. Separate community roads are even impervious.

Positive Developments Registered

- The legislation ensuring the activity of human-taxi cars was improved.
- Progress was stated in the sphere of communication and information telecommunications technologies in the RA.
- Modern technical means and technologies were invested in the postal communication sphere.

RIGHT TO FAIR TRIAL

Although a number of events were organized based on the RA Strategy 2012-2016 on Legal and Judicial Reforms, separate judicial acts have been worked out and adopted within the project, however, public trust towards the judicial system has continued to be at a law level.

According to the survey of the "Global Corruption Barometer 2013," 69 % of the participants of the survey considered the judicial system corrupted or extremely corrupted, and the 18 % of the respondents claimed to have given bribes to the courts.[1]

It was recorded in the report on the human rights published by the US Secretary of State in 2014, that in 2013 the RA Judicial System was not independent and the judged did not have efficient protection means in those cases when the executive, legislative or superior judicial bodies made a decision to use sanctions against them.

In 2012 the Human Rights Committee[2] of the UN noted the lack of judicial independency in Armenia, which it conditioned by the political treat containing mechanism of appointing judges and by the lack of independent mechanism of the disciplinary liability. The Committee was also concerned about the permanent statements on the corruption and the absence of the effective means for the fight against corruption at a higher level, which had resulted in the fall of public trust towards justice.

In 2013, the RA Human Rights Defender published a Special Report on the Right to Fair Trial (Hereinafter Report) the short content of which is presented below. In order to elaborate this Report, interviews were conducted with over 120 professionals of the sphere: advocates, prosecutors, judges, legal scholars and other experts. The following sources were studied for the preparation of the Report: all the decisions of the RA Council of Justice for the period of 2006-2013[3], 270 cassation complaints that were taken into proceeding by the RA Court of Cassation (2012-2013), 500 applications on sentencing the judges to disciplinary liability (2011-2013), 200 cassation complaints and the decisions of the Court of Cassation in regards to them (2012-2013), over 35 judicial cases provided by the Advocates. In order to elaborate the Report, with the help of the Counterpart International Armenian representation, a sociological survey was conducted by the "Armenian Democratic Forum" non-governmental organization, the results of which are also included in the Report.

Based on the conducted survey, corruption cases and means of pressure in judicial system were presented in the Report. The respondents expressed different opinions on corruption mechanisms existing in the judicial system, the sum and the ways of the bribes. According to the opinion of the majority of the respondents, there is no single criterion defining the sum

[1] Transparency International international anti-corruption movement, results of the "Global Corruption Barometer 2013" survey

[2] See the concluding observations defined on 27th July, 2013 on the periodic report presented by Armenia

[3] The"2013" references generally apply to the information available till September 30.

of the bribe; in each case the amount is determined based on an individual approach. Many believe that even in those cases when the case does not have a political nature and there are no corruption risks, most of the judges fell constrained to deny a motion on detention of the detainee, not enforcing the punishment on conditionality or any kind of action or decision made in favor of the detainee, since these actions, most probably, will be assessed as manifestation of personal interest. As a result of the surveys, cases were defined, in case of which before making any decision, it is mandatory to compile it with the Court of Cassation. Those are: cases widely voiced in the public; cases of defamation and insult (because they are also widely voiced in public and besides the media should not be worried unnecessarily); criminal cases, in cases of conditionally not applying the punishment, of sentencing below the minimum defined period, of passing a sentence deviating from the bill of indictment; cases with the participation of major organizations. These cases are agreed with "zonal judges" of the Court of Cassation, who have certain judges adjunct to them and under their control. According to the survey, there were manifestations of pressure on judges also within the Court of Cassation causing great discontent and internal revolt among certain judges.

Based on the results of the RA HRDI survey, the judges can be conditionally divided into three categories: judges, who agree almost every case with the Court of Cassation. These judges are considered to be the "favorites" and receive encouragements; judges, who agree only the cases subject to mandatory agreeing; and finally there is a small number of judges who does not agree any case with the Court of Cassation but make own decisions. These judges are independent and are considered "the most unpopular" and "unpredictable" judges, therefore are subjected to a high risk of pressure and "prosecution."

The survey conducted for the elaboration of the Report also prove that the Council of Justice is the tool, though which the Court of Cassation directly or indirectly exercises pressure on judges. All these conclusions are grounded by a whole analysis on the arbitrary and double standards implementation of punishment mechanisms by the Council of Justice is presented further in the Report.

Besides, the data analyzed in the Report show that in the process of bringing the judges to disciplinary liability, the Chairman of the Court of Cassation has a prevailing involvement. In a number of cases the disciplinary proceedings are initiated by the Disciplinary Committee of the Council of Justice on the same or next day of receiving the letter from the Chairman of the Court of Cassation, which shows that the initiation of the disciplinary proceedings and its results in the respective cases are predetermined. Throughout the years 2010-2013 out of the 51 disciplinary proceedings initiated by the Disciplinary Committee of the Council of Justice, in 31 cases the reason for the initiation of the proceedings was the letter of the Chairman of the Court of Cassation, in 8 cases based on the petition of the Ethics Committee of the Council of Courts Chairmen, in 10 cases proceedings have been initiated based on the petitions of advocates, citizens or other bodies. In 2010, the Council of Justice

received 208 petitions to bringing judges to disciplinary liability; in 2011, 220 petitions[4]; in 2012, 346 petitions[5]; and in 2013, 434 petitions[6].

Illegalities and Double Standards in the Council of Justice

1. In the Council of Justice, the double standards were applied in cases on examination stage while deciding upon filing disciplinary proceedings against a judge, in some cases, they went together with direct violation of the requirements of the RA Judicial Code.

Hence, the issue of initiation of disciplinary proceedings against a judge regulated by the RA Judicial Code is not conditioned with the entry into force of the judicial act deciding the case on merits, or with the absence of examination of the case in the higher instance[7]. The RA Judicial Department in its response addressed to us also accepted the above stated evident fact. The latter accepted, that the Legislator specifies a one year term for initiation of disciplinary proceedings against a judge, counted from the moment adopting the aforementioned judicial act[8]. Nevertheless, we have registered a number of cases when there was no initiation of disciplinary proceedings against a judge, justified on the basis that the case was being examined by higher instance court.

Thus, in July 2013, based on the application of the RA Human Rights Defender, the Disciplinary Committee of the Council of Justice refused to initiate proceedings against a judge of the Court of General Jurisdiction of the Arabkir and Kanaker-Zeytun administrative districts of Yerevan, R.Buniatyan with the reference of justifying that the case was being examined by the Civil Court of Appeal and on the prohibition of undue interference of judicial activities.

In addition, we have registered the precise opposite of the above stated practice, when in separate cases the Disciplinary Committee of the Council of Justice had initiated disciplinary proceedings, when the case had been in the stage of examination in the Court of Appeal or was still ongoing in the court of first instance. Furthermore, the requirements of the RA Judicial Code were violated by the Council of Justice in regards to those cases, as the judge was brought to disciplinary liability, in the case when the judicial act deciding the case on merits was not yet passed.

According to Ն-Ч-2-1 decision of the Disciplinary Committee of the Council of Justice made on 15.06.2012 a disciplinary case was initiated against the Judge of the Court of First Instance

[4]Armenia-Judicial Reform Index, 2012 American Bar Association
[5] Statistical data provided by the RA Judicial Department
[6] Statistical data provided by the RA Judicial Department as of November 27, 2013
[7] RA Judicial Code, points 1 and 2, paragraph 2, Article 153
[8] RA Judicial Code, points 1 and 2, paragraph 2, Article 153

of Erebuni and Nubarashen administrative districts of Yerevan A. Merangulyan, and on July 24 of the same year the judge was brought to a disciplinary liability according to ԱԽ-14-Ո-18 decision of the Council of Justice, when the civil case was still in the proceeding stage (was suspended) under the conditions of the judicial act deciding the case on merits not administrated. The circumstances of initiating a disciplinary proceeding against Judge A. Merangulyan for making an interim judicial act and bringing him to a disciplinary liability had a direct impact on the review of the pending case leading to the decision of the judge to self-withdraw from the ԵԷԴ/0970/02/11 civil case. The judicial act deciding the case of merits was made on 28.02.2013 by another judge.

According to the 19.02.2010 number Կ-2-03/2010 decision of the Disciplinary Committee of the Council of Justice, a disciplinary case was initiated against the Judge of the RA Administrative court K. Mkoyan, while in the scope of the administrative case pending before him an appeal against the decision to suspend the case proceeding was still in the review stage at the Administrative court[9]. A decision to satisfy the appeal was made by the Administrative court on 22.02.2010, and the decision to suspend the case proceeding was terminated.

2. In the Council of Justice double standards were applied in cases of not starting disciplinary procedures against judges in similar cases.

Thus, two mutually exclusive solutions were provided by the Council of Justice for the two similar cases of satisfying the request of self-withdrawal with the reasoning to dispel the doubts by the judge.

Case A. The violation made by the judge has been assessed as an obvious and grave violation and has led to a disciplinary liability.

1. According to the 28.02.2013 number ԱԽ-7-Ո-14 decision of the RA Council of Justice Judge of the First Instance Court of General Jurisdiction of Arabkir and Qanaqer-Zeytum administrative districts A. Hunanyan was brought to a disciplinary liability for satisfying the requests of self-withdrawing in 6 civil cases for dispelling the existing doubts. The had found that Judge A. Harutyunyan by violating the requirements of self-withdraw made an obvious and grave violation of the procedural law, grave violation of the rules of conduct, which serve as grounds for bringing the judge to a disciplinary liability according to the Article 153.2.2, 153.2.4 of the Judicial Code. A warning had been given to Judge A. Hunanyan.[10]

[9]Based on one of the violations of subjecting the judge to disciplinary liability.

[10] Based on the mediation of the RA Ethics Committee of the Council of Courts Chairmen, the Council of Justice by its 30.01.2013 number N-4-2-2/2013 decision made on 30.01.2013 initiated a disciplinary proceeding against the Judge of the First Instance Court of General
Jurisdiction of Erebuni and Nubarashen administrative districts A. Merangulyan for making a decision of a self-withdraw by a justification to dispel the ungrounded doubts of the party. The Disciplinary Committee stated

Case B. The Disciplinary Committee of the Council of Justice has not initiated a disciplinary proceeding in regards to the following case:

On May 23, 2013 advocate H. Harutyunyan presented a petition to the Disciplinary Committee for bringing the judges of the Court of Appeal D. Khachatryan, N. Tavaratsyan and S. Mikaelyan to disciplinary liability[11]. The grounding for presenting the petition was the decision of the three judges of the Civil Court of Appeal to self-withdraw in the scope of the ԵԿԴ 1304/02/11 and ԵԿԴ/1521/02/11 joint civil cases. The decisions of meeting the request for self-withdrawal were justified with the following: "...I am informing, that I have no single reason for announcing a self-withdrawal defined by the Article 91 of the RA Judicial Code and I find the justifications listed in the request ungrounded, because I do not have impartial attitude towards the party that has brought the request, as well as I am unbiased and for sure can be impartial by the following case. However, taking into consideration the fact that the party continues to insist its suspicions in regards to my impartiality or equity and for dispelling doubts of the party I self-withdraw in order not to distort the proper and objective view of the latter towards justice..."

The fact of not initiating disciplinary proceedings by the CJ Disciplinary Committee based on the satisfaction of self-withdrawal motions by three judges of the RA Court of Cassation with the same reasoning speaks about the double standards applied in similar cases.

In two similar cases of sending the judicial act to the party delayed by the judge, the Council of Justice made two mutually exclusive decisions.

Case A: The violation made by the judge has been assessed as an obvious and grave violation of the judicial norm and has led to a disciplinary liability

The 12.04.2013 number ԱԽ-12-Ո-20 decision of the Council of Justice recorded that the court published the 24.09.2012 number ԵՇԴ/0865/02/11 civil case, however the plaintiff party received the judicial act on 15.10.2012**.** The Council has stated that by providing the judicial act to the plaintiff on the 21st day after publishing, conditions have appeared in regards to the plaintiff of the number ԵՇԴ/0865/02/11civil case for violation of the right of the party to appeal considered an element of the fair trial of a person confirmed in the RA

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that the decision of self-withdrawal made by the Judge A. Merangulyan's was not provided by the existing legal circumstances, i.e. in the existence of any circumstance for self-withdrawal, but dispelled the ungrounded doubt of the other party. Thus, circumstance of legally self-withdrawing the judge served as a basis for the decision, as a result of which not only legal requirements defined by the RA legislation were not maintained by the judge, but actually the judge refused to bring justice by the civil case. With the 12.04.2013 number Uft-12-H-21 decision of the Council of Justice on bringing A Merangulyan to disciplinary liability the case was dismissed based on the suspend of the powers of the judge.

[11] The Cassation complaint was taken into proceeding in 11.12.2012, the first hearing was in 23.01.2013p, the decision of self-withdrawal was made on 9 April, 2013

Constitution and the Convention. Judge I. Barseghyan was subjected to a disciplinary liability for an obvious and grave violation of the norms of the procedural law.

Case B: The judge that made a similar violation was not brought to a disciplinary liability by the Council of Justice.

By the number ԵԿ^ 3012/02/11 civil case a claim was initiated by "Unibank" CJSC to the Council of Justice to subject the judge of the Court of General Jurisdiction of Yerevan Kentron and Nork-Marash administrative districts A. Sukoryan to disciplinary liability. By the following civil case, the publishing of the decision by the judge A. Sukoyan took place on 24.05.2012, but the sample of the decision was sent to the party only on 14.06.2012 and was received on 15.06.2012[12], that is to say 3 weeks after the decision was published.

By the number ԵԿԴ 3012/02/11 civil case a claim was initiated by "Unibank" CJSC to the Council of Justice to subject the judge of the Court of General Jurisdiction of Yerevan Kentron and Nork-Marash administrative districts A. Sukoryan to disciplinary liability. By the following civil case, the publishing of the decision by the judge A. Sukoyan took place on 24.05.2012, but the sample of the decision was sent to the party only on 14.06.2012 and was received on 15.06.2012[13], that is to say 3 weeks after the decision was published.

Again, we can record that the number ԵԿԴ 3012/02/11 civil case, the violation committed by the judge of the Court of General Jurisdiction of Yerevan Kentron and Nork-Marash administrative districts of Yerevan was similar to the number ԵՇԴ/0865/02/11 civil case on the violation committed by the judge of the Court of General Jurisdiction Shengavit administrative district of Yerevan, however, as opposed to the latter, it was not considered a basis to initiate disciplinary proceedings against the judge.

The arguments brought in the 12.04.2013 number ԱԽ-12-Ո-20 decision of the RA Council of Justice on the violation of the claims of Article 124 of the RA Civil Proceedings Code and as a result of the inapplicability displayed by the court on the creation of conditions for violation of the right of the party to appeal considered an element of the fair trial of a person, confirmed in the RA Constitution and the Convention, are equally applicable also in this case. Nevertheless, disciplinary proceedings were not initiated against A. Sukoyan by the Disciplinary Committee on the basis of the case being in the reviewing stage at the Court of Appeal and the hindrance of interference in the functions of the judge not established by law.[14]

[12]The date of the sending and receiving of the sample judgment are confirmed by the seals on the postal envelop
[13]The date of the sending and receiving of the sample judgment are confirmed by the seals on the postal envelop
[14] By criminal case 28105311 of the year 2012 accused K. Qocharyan's advocate T. Muradyan presented a plaintiff to the Council of Justice for bringing the judge of the Court of Appeal G. Melik-Sargsyan to a disciplinary liability14. By the examination of the materials of the number

In similar cases on the violation by the judge of the principal of the presumption of innocence, two obviously mutually exclusive decisions were made by the Court of Justice

Case A: The violation made by the judge was considered an obvious and grave violation of a judicial norm and resulted in the disciplinary liability.

By the 21.01.2010 number ԱԽ-1-Ո-2 decision of the Council of Justice, the judge of the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun administrative districts of Yerevan, S. Aramyan was brought to disciplinary liability. In the decision on 27.11.2011, to examine the request to select arrest as a measure of restraint, the judge used the formulation "... A. Poghosyan ... again committed a grave crime...", thus, basically, expressing a position on the guilt of A. Poghosyan which is a breach of the ban confirmed in the Rule 6 point E of the "Rules of Conduct". The Council testified that the breach is grave in nature, since it resulted in a violation of a fundamental constitutional value (the presumption of innocence). With similar grounds, by the 05.11.2010 number ԱԽ-19-Ո-20 and the 21.01.2011 number ԱԽ-1-Ո-1 decisions of the RA Council of Justice, the judge of the Court of General Jurisdiction of the RA Shirak Marz, S. Mnatsakanyan and the judge of the Court of General Jurisdiction of the RA Ararat Marz, L. Arazyan.[15]

We recorded that similar wordings on the violation of the presumption of innocence and testifying the fact of admitting the committal of the crime were used also in the decisions of other judges, who, however, were not brought to a disciplinary liability.

Case B: By the following case proceedings was not initiated by the Disciplinary Committee of the Council of Justice

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C1/0184/06/11 arrest proceeding, it was confirmed that the decision on arrest made by the Court of General Jurisdiction of the Shirak Marz, which was appealed by the advocate of the accused, was made on 25.09.2011, while the appeal against the decision was brought to the Court of Appeal on 26.09.2011. According to Article 379 of the RA Criminal Procedural Law the appeal is filed with 5 day period after the publicizing of the arrest decision by the court of first instance. The appeals filed after the deadline are left without consideration, in regards of which the court makes a decision. By the following case the appeal against the arrest decision made by the Court of the General Jurisdiction of the Shirak Marz on 25.09.2011 was filed by the advocate of the accused within 5 day period as stated in the law, but the Court of appeal left it without examination justifying it as appealed overdue. By the examination of the materials of the case, it was also confirmed that the decision to leave the claim without examination was made on 11.10.2011by the RA Court of Appeal, however it was sent to the accused and the Ombudsman only on 28.01.2012, 3.5 months after the decision was made. (Regarding the condition to send the decision to the accused confirmed in the note of the RA Court of Appeal on 17.10.2011, during the examination of the materials on the proceedings of detention it was confirmed by the Ombudsman that there was no postal acknowledgment on sending of the decision on 17.10.2011 by the Court.)

[15]In all the three cases, the basis to claim a disciplinary proceedings was the note of the Chairman of the RA Court of Cassation addressed to the Disciplinary. Committee

1. Judge of the RA Criminal Court of Appeal, M. Simonyan based on an appeal plaintiff, checked the legality of the decision on 27.11.2010 on the selection of arrest as a measure of restraint by the Court of General Jurisdiction of Aabkir and Kanaker-Zaytun administrative districts of Yerevan. In the conclusion of the 27.11.2013 decision the Court stated: "...taking into consideration ... a new committal of a grave crime in the conditions of not being convicted in the past for committal of grave crime and the not expunging of the criminal record... the decision of the Court shall remain in force on the basis of it being legal and grounded."

The following decision is remarkable also because by the same case, S. Aramyan, a judge of the court of first instance was subjected to disciplinary liability for similar formulation by the 21.01.2011 number ԱԽ-1-Ո-2 decision of the RA Council of Justice (the ground was a note to the Disciplinary Committee by the Chairman of the RA Court of Cassation). And the judge of the RA Criminal Court of Cassation, who in his decision, by wording regarding the committal of a crime by the accused, in substance, also expressed a position on finding A. Poghosyan guilty, was not subjected to any liability. Thus, within the scope of the same judicial case, judges of two court instances made the same mistakes violating the presumption of innocence, however, only the judge of the first instance was brought to disciplinary liability.

2. By decision of the RA Court of Cassation on 23.07.2010 of the number ԵԿԴ/0580/06/09 criminal case, it was recorded that the court of first instance and the Court of Cassation, respectively, the decisions on the prolonging of the term of A. Arakelyan served under arrest and on the leaving it in legal force, *inter allia*, were grounded by the circumstance that A. Arakelyan"committed a crime..." Thus, the question of guilt of A. Arakelyan in the deeds ascribed to him became a subject of factual discussion and his culpability was considered affirmed. The Court of Cassation found that the consideration of the confirmation of A. Arakelyan's guilt in the judicial act on his arrest was a violation of the guarantee of presumption of innocence. However, proceedings were not initiated to bring the judge of the Courts of General Jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan, as well as the judge of Criminal Court of Appeal, to disciplinary liability.

Thus, the same violation of the presumption of innocence, which was also recorded in the decision of the RA Court of Cassation, unlike the above-mentioned cases, was not considered a basis to request to initiate proceedings by the Court of Cassation to the Disciplinary Committee of the Council of Justice. We would like to noted, that the judge having committed disciplinary violation was a member of the Council of Justice during the relevant period.[16]

[16] Moreover, it is worth to note that the judge of the court of first instance Kentron and Nork- Marash administrative districts of Yerevan, G. Khandanyan grounded his decision in the following way: "...the request

Case A: In the following cases for violation of the reasonable timeframe, the Council of Justice considered proportionate the implementation of "warning" disciplinary sanction.

1. By the 31.01.2013 number ԱԽ-4-Ո-7 decision of the RA Council of Justice, the judge of the court of first instance of Avan and Nor Nork administrative districts of Yerevan, A. Vardapetyan was brought to disciplinary liability on the basis of making an obvious and grave violation of a norm of the procedural law and a grave violation of rules of behaviour- violation of the enquiry of maintaining of the reasonable timeframe while implementing justice. Besides the accused, the prosecutor, the Defender, the victim, the representative of the victim and 2 witnesses were among the participants of the lawsuit. By the decision, it was recorded that by 07.11.2012 18 judicial court seats were appointed, from which 8 judicial court seats, in general, were cancelled for more than 3 months on the basis of the absence of the prosecutor. Moreover, in 5 court seats out of the mentioned 8, the representative of the victim was also absent, who , besides that, was absent from two other court seats and based on his absence the court seat was cancelled for more than a month. The Council recorded that the number ԵԱՆԴ/0010/01/12 criminal case, from the moment of the claim of the proceedings by the Court was in the proceedings of the Court for more than 11 months, during the examination of the case, the prosecutor was absent from the court seat 8 times and the representative of the victim - 5 times and no measure was undertaken by the judge in this regard. A warning has been applied to judge A. Vardapetyan.

Case B: The Council of Justice has deemed it proportional to apply the same "warning" disciplinary sanction against the Judge for incomparably grave violation of the reasonable period requirement in 15 similar cases.

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presented by the investigator is subject to satisfaction, since A. Arakelyan refuses to give evidence, committed a grave crime, for which 5-10 years of deprivation of freedom is foreseen, thus the court finds that the severity of the crime can be enough to deprive him of his freedom." By the decision of the RA Court of Cassation on 23.07.2010, it was recorded that by the decision of the court of first instance on setting A. Arakelyan free under pledge was considered impermissible, since the latter committed a grave crime, while none of the deeds ascribed to A. Arakelyan is a grave crime. The Court of Cassation also recorded that the court of first instance, putting his right to keep silent in the basis of prolonging his term to serve under arrest, violated the requirements of the RA Constitution, of the RA Criminal Code and of the European Convention. Assessing the process of prolonging the term of A. Arakelyan's arrest, the Court of Cassation found that it did not correspond to both the internal legislation on the person's right to freedom and immunity and the fundamental requirements of the European Convention. The Court of Cassation also confirmed that the conclusions drawn by the court of first instance and the Court of Appeal on the refusal to set free A. Arakelyan under pledge and on its consideration as impermissible were not grounded and reasoned. However, administrative proceedings were not initiated on the basis of any of the presented grounds against the judge of the court of first instance Kentorn and Nork-Marash administrative districts of Yerevan, G. Khandanyan, who was a member of the RA Council of Justice in the relevant period.

It has been stated by the 31.01.2013 number ԱԽ-4-Ո-8 decision of the RA Council of Justice that the number ԵԿԴ/1067/02/09 civil case had been pending before the court for approximately 41 months prior to the self-withdrawal from the case. Moreover, the ensuing court session had been scheduled after the hearing of 31.01.2013 which hadn't taken place due to consideration of another unfinished case pending before the court. The first court session on the number ԵԿԴ/0367/02/11 civil case had taken place after more than 18 months following the date it had been taken into proceedings. By the same token, the first court session on three civil cases had taken place after more than 12 months following the date of being taken into proceedings. Furthermore, the case trial by the judge of 10 more civil cases had lasted roughly 1 year and 10 months, 1 year and 8 months, 18 months, 15 months, 17 months, 16 months, 15 months, 17 months, 18 months and 26 months. In addition, the interval of 8 case sessions among the afore-mentioned cases had amounted to 6-7 months.

The same disciplinary sanction (warning) was implemented against the judge of the court of first instance of Kentron and Nork-Marash administrative districts of Yerevan, R. Nersisyan for violating the reasonable timeframes in over 15 civil cases.

2. In the Council of Justice, double standards were used by biased and differentiated application of disciplinary penalties against judges in the cases of similar violations.

The Council of Justice has applied without grounds different types of disciplinary sanctions against the Judges for similar in essence violations.

Case A: For violation of the application of amnesty procedure the Council of Justice has deemed it proportional to apply the "warning" disciplinary sanction.

The Judge of the Lori District Court of First Instance S. Baghdasaryan has been subjected to disciplinary liability by the 07.12.2012 number ԱԽ-24-Ո-29 decision of the RA Council of Justice for applying the amnesty act by court sentence. The Council has stated that G. Pahlevanyan had been accused of committing two crimes till May 1, 2011, each having been subjected to the adoption of amnesty act. The Council has found that the Judge had committed an obvious and grave violation of a provision of substantive law in the administration of justice, as in the light of applicability of the amnesty act for each of the actions committed by G. Pahlevanyan the Judge has failed to address the question of adopting the amnesty act[17]. The Judge S. Baghdasaryan has been subjected to warning[18].

[17]On 25.09.2012, 9 months after the condemnation the Court has decided on the uncertainty of the judgment. According to the Court decision, G. Pahlevanyan was released from sentence on the art. 376 of the CPC RA on the basis of theAmnesty Act. Moreover, the body initiating the proceeding has found that the application of the Amnesty Act by the Court's decision of 25.09.2012 was obvious and gross violation of procedural norms. Nevertheless, that was not accepted by the Justice Council.

[18] The disciplinary proceeding was opened on the order of the Minister of Justice.

In the current case the Judge has committed an obvious and grave violation of a provision of substantive law because he hasn't applied the Amnesty act in a case where it was subject to application. The facts mentioned in the above stated decision are compatible with the facts stated in several other decisions of the Council of Justice where again the Council has found a violation of the procedure of applying the amnesty act. As opposed to the afore-cited case, in the cases following below despite the prohibition or restriction foreseen by the Amnesty act an amnesty has been applied by the Judge or there has been an application of a provision not subject to Amnesty act.

Case B: For violation of the amnesty procedure application the Council of Justice has deemed it proportional to apply the "Severe reprimand, combined with depriving the judge of 25% of his salary for a one-year period" disciplinary sanction.

The Judge of the Court of Gerenal Jurisdiction of the Syuniq Marz, L. Atanyan has been subjected to disciplinary liability by the 10.02.2012 number ՍԽ-1-Ո-7 of the RA Council of

Justice Decision for applying the amnesty notwithstanding the direct prohibition prescribed in the Amnesty act[19]. By court sentence of 08.07.2008 adopted by the Yerevan criminal court T. Galustov has been found guilty of crime in accordance with points 1, 2, and 3, paragraph 2, Article 176 of the RA Criminal Code and sentenced to imprisonment. Pursuant to Article 70 of the RA Criminal Code the punishment hasn't been applied conditionally and a probation period of 3 years has been established. By the decision adopted on 27.06.2011 the court has applied amnesty with regard to the convict and has exempted him from serving punishment assigned by court sentence. The Council has stated that the judge L. Atanyan having disregarded the restriction prescribed by the Amnesty act, particularly the fact that T. Galustov had been convicted under Article 176 of the RA Criminal Code where Amnesty didn't apply has exempted the convict from serving the assigned punishment through application of the amnesty act. A severe warning has been applied against the Judge L. Atanyancombined with depriving the judge of 25% of his salary for a one-year period.

The Judge of the Court of General Jurisdiction of theTavush Marz, R. Melkonyan has been subjected to disciplinary liability by the 24.12.2009 number ՍԽ-21-Ո-28 decision of the RA Council of Justice for violating the procedure of applying the amnesty. While being inapplicable the Amnesty has been nonetheless applied in respect to a convict. By the verdict handed down on 21.08.2008 H. Avagyan has been found guilty of crime in accordance with point 1 of part 3, Article 258, the punishment hasn't been applied conditionally and a probation period of 2 years has been established. By the decision of the Court adopted on

[19] The proceeding was opened by the Disciplinary committee of the Justice Council. The proceeding's opening cause was the official letter of the President of the Court of Cassation to the Disciplinary committee.

17.09.2009 the conditional sentence has been eliminated and the H. Avagyan has been exempted from serving a 1 year imprisonment. TheCouncil has stated that according to the sub-point 7 of the point 8 decision of the RA National Assembly "On Announcing Amnesty" amnesty is inapplicable in respect with persons convicted for committing the crime envisaged by the part 3 of the Article 258 of the RA Criminal Code. Whereas, according to the decision of the Court of General Jurisdiction of Tavushmarz a conditional sentence assigned by the court has been eliminated and a convict has been released from serving a 1 year imprisonment. A reprimand has been applied to the judge R. Melkonyancombined with depriving the judge of 25% of his salary for a six-month period.

The Judge of the General Jurisdiction Court of First Instance of Arabkir and Qanaqer-Zeytun administrative districts of Yerevan L. Avetisyan has been subjected to disciplinary liability by the 10.02.2012 number ԱԻ-1-Ո-4 decision of the RA Council of Justice for wrong application of amnesty provisions in regard to two cases through an obvious and grave violation of provisions of substantive law. The Council has found that judge L. Avetisyan as a result of disregarding the restrictions prescribed by the Amnesty act has violated the amnesty application procedure. A provision on punishment exemption as envisaged by the Amnesty act has been applied with regard to the both cases instead of reducing by % the unserved part of the appointed punishment[20]. A warning has been applied to the judge L. Avetisyan combined with depriving the judge of 25% of his salary for a six-month period. [21]

The Judge of the Court of General Jurisdiction of the Tavush Marz, R. Melqonyan has been subjected to disciplinary liability by the10.02.2012 number ԱԻ-1-Ո-5 decision of the RA Council of Justice for applying the amnesty despite the direct prohibition prescribed in the Amnesty act. Severe warning, combined with depriving of 25% of the salary for a one-year period has been applied to the judge R. Melqonyan[22.]

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[20] On 07.07.2011 the Court found guilty A. Khurshudyan on the 4th point of the 2nd part of the article 34-176 of CC RA and was sentenced for 3 years. A. Khurshudyan was released from the condemnation on the basis of the Amnesty Act. The Council has stated, that in Khurshudyan's case the 4thsub point of the 8th point of the Amnesty Act should have been applied, than the 1stsub point of the 1st point. According to the 4thsub point of the 8th point of the Amnesty Act the sentence of the Khurshudyan should have been reduced by In another case on 20.07.2010 V. Sargsyan was sentenced on the 3rd part of the article 268 of CC RA, and by the application of the article 70 of CC RA the sentence was not applied conditionally. On 23.06.2011 the Court has applied the Amnesty Act and has released him from the sentence. The Council has stated that in V. Sargsyan's case the 2ndsub point of the 1st point of the Amnesty Act has been applied instead of the 5thsub point of the 8th point of the Act.. In force of the 5thsub point of the 8th point of the Act the sentence should have been reduced by

[21] The disciplinary proceedings were opened by the Disciplinary Committee of the Justice Council. The proceeding causes were the official letters of the President of the Court of Cassation to the Disciplinary Committee.

[22] The Council has stated that the judge R. Melqonyan as a result of disregarding the restriction envisaged by the Amnesty act, particularly the fact that the prosecution against R. Davtyan has been already suspended once during the last 10 years in accordance with the decision of the RA National Assembly on the Amnesty announcement, the

The analysis of the abovementioned decisions of the Council of Justice reveals an application of double standards by the Council while choosing the type of disciplinary sanction to be applied against a certain judge. Thus, in cases when a judge hasn't applied an Amnesty Act by the court verdict despite its applicability, the Council has imposed a "warning" disciplinary sanction[23], which, pursuant to the RA Judicial Code is applied to less severe disciplinary offence acknowledged by the Judicial Council. In the meantime, the Council has applied severe types of disciplinary sanction in cases where the Judge, despite prohibition or restriction set forth in the Amnesty act has applied an amnesty or a provision not subject to the application of the Amnesty act (a provision envisaging exemption from punishment instead of reducing the rest of the appointed punishment) and when, in certain cases, the punishment hasn't been applied conditionally. Moreover, the criteria for selection of the mentioned types of sanctions had occasionally been rather vague and ungrounded.

amnesty wasn't applicable in regard to Mr. Davtyan, nonetheless, the Court has exempted R. Davtyan from serving a one year punishment appointed in accordance with the point 1, paragraph 2, Article 333 of the RA Criminal Code.

[23] No. ԱԽ-24-Ո-29 (07.12.2012) decision

SOCIAL-ECONOMIC RIGHTS

According to National Statistical Service data[24], in 2012 a third of the population (32.4%) was poor, 13.5% of them were very poor, and 2.8% were extremely poor. Although the poverty level decreased in 2012, the poverty level, with its depth and severity, was significantly higher as opposed to that of 2008[25]. One of the most important challenges facing the poverty level is the inadequate security of economic and social rights of Armenian citizens.

1. In May of 2013, The International Monetary Fund (IMF) released a report on the "Shadow economy in the Caucasus and in Central Asia," according to which the "shadow economy" (black market) of Armenia constitutes about 35% of the GDP -- significantly higher than that of neighboring Georgia and Azerbaijan. Moreover, according to the IMF, the Armenian shadow economy is influenced by the following factors: the tax burden (10.6 %), labor market regulations (15 %), institutional quality (i.e. low effectiveness of the judiciary, lack of transparency, excessive bureaucracy, etc.) (28.8%) and the regulatory burden of financial and commodity markets (45.7 %)[26].

The right of any person to engage in entrepreneurial activity is prescribed in the Constitution (Article 33.1), according to which the Republic of Armenia is obliged to prevent the abuse of those who occupy a monopolistic or dominant position and, consequently, unfair competition.

In the economic sector, the development of small and medium-sized enterprises (hereinafter "SME") is blocked by a number of problems. In an attempt to address these problems, the Government has taken steps to assess the impact of various regulations and review over 360 relevant legal acts. This assessment found that such problems result from a lack of compliance with the legal certainty principle in addition to a disproportionately high tax. Furthermore, new tax legislation and regulations are often interpreted in vastly different manners; consequently, taxpayers are sometimes subjected to disproportional liability. To that end, complaints of numerous taxpayers addressed to the Defender indicate that State authorities are often reluctant to clarify ambiguous legal norms despite their duty to provide such clarification (as stipulated in RA "Legal Acts" Law). In 2013, many businessmen were unjustly subject to fines and penalties as a result of various and conflicting interpretations of the RA "Turnover Tax" Law and the formal demands by the State Revenue Committee (SRC). Similarly, the "Value Added Tax" (VAT) Law has also suffered from multiple, conflicting interpretations.

[24] The 2013 data on poverty during the development of this report has not been summarized by the RA NSS.
[25] http://armstat.am/file/article/poverty_2013a_2.pdf
[26] Measuring the Informal Economy in the Caucasus and Central Asia, 2013; http://www.imf.org/external/pubs/ft/wp/2013/wp13137.pdf

Current tax legislation[27] bans tax/customs officers from conducting business during their service as a means of providing equal opportunities for employment, ensuring healthy competition for entrepreneurs, and preventing conflicts of interests. As a consequence, tax/customs officers and their close relatives and/or friends are barred from enjoying benefits ill-defined by the law in favor of their business interests. Despite existent legislative bans, there have been a number of complaints among businessmen concerning non-compliance in 2013. Unfortunately, the SRC only revealed two cases[28] of impropriety in 2013, in which tax officers and affiliated persons were found to be mutually engaged in entrepreneurial activity. In light of this discrepancy between the high volume of complaints and small number of cases officially revealed, the Defender's Office would like to encourage more consistent and effective policymaking in this area, excluding the conflicts of interests[29]. Moreover, taxpayers voiced numerous complaints regarding tax officers and the use of threats to extract tax pre-payments over the telephone. There were also a number of cases in which taxpayers were apparently subject to disrespect from tax officers during inspections. These complaints are rarely voiced to the appropriate state agencies, oftentimes in an effort to avoid further complications.

The seizure of a taxpayer's estate on behalf of the SRC (according to RA Tax Law) has also been found to be quite problematic. In January 30, 2013, the Constitutional Court found in its ՍԴՈ -1073 decision that the seizure of property shall be realized only if other law enforcement measures are exhausted and only in a highly controllable manner. In other words, the SRC may seize an estate only if other approaches have been used first (e.g. fines or derivative penalties), and only under strict judicial control. Nevertheless, in the year 2013 5712 decisions regarding the seizure of property were made by the SRC, and in 2012 5715 decisions. We believe that the implementation of such policies by the SRC does not meet the Constitutional Court's stated position. Moreover, it was stated in the draft law amending the RA Tax Law[30] in February of 2014 that "the bank accounts of businessmen are blocked without regard to the amount of the obligation, which causes obstacles for conducting business."

Complaints have also been received in terms of the accessibility of the information on vehicles' customs clearance. In some cases, citizens have been denied custom clearance due to nonessential and easily correctable errors in accompanying documentation. According to RA Customs Code, individuals must be given a two-day period to correct such errors in documentation. However, as the study shows, sometimes this opportunity is withheld from the importer. As a result, an importer may find himself/ herself in a situation where he/she

[27] RA "Tax service" Law, Article 13, RA "Customs Service" of the law, Article 25:
[28] See details in the SRC part of the report.
[29] idem
[30] https://www.e-gov.am/sessions/archive/2014/02/20/

cannot obtain custom clearance of his/her car. More inappropriately, he/she may have to pay higher customs fees instead of the fee amount that they are legally obligated.

In 2013, a number of complaints were received about the abuse of the businesses that occupy a dominant position by raising barriers to market entry for new business ventures. The State Commission for Protection of Economic Competition (SCPEC) has disclosed only one of many cases concerning the abuse of a dominant market position, detected in the drug market. Unfortunately, SCPEC has not carried out a large-scale investigation to detect such cases, apply sanctions, and thereby prevent the abuse of a dominant position in other markets. For example, taxpayers have expressed disappointment in the cash / automated teller machine market, where they have found a dearth of alternatives for making purchases. Furthermore, there is an absence of competition for the import and sale of multifunctional cash machines. On the basis of these complaints, the Ombudsman proposed that SCPEC ought to conduct a study on the market for cash / automated teller machines. However, SCPEC has refused to study this market despite the fact that such an activity falls under its purview (according to the RA "Economic Competition Protection" Law). The SCPEC has also failed to investigate and/or reveal cases of governmental collusion with business owners.

In 2013, there have been multiple cases on abuse of the law on the Protection of Economic Competition – legislation which is aimed to protect and promote fair economic competition, the development of businesses and the protection of consumer rights in Armenia. In a study of 200 contests, the SCPEC found that 88 business establishments (including nursing homes, orphanages, boarding facilities, kindergartens) formulated non-compete agreements with one another. Anti-compete agreements are one of the most dangerous violations of the competition law insofar as they may establish discriminatory prices and hamper other economic entities from entering the market[31].

2. The free choice of employment, the rights to just and favorable conditions of work, and to protection against unemployment are one of the fundamental human rights issues that State must ensure. According to the State Employment Service of the Ministry of Labor and Social Affairs, there were 55,878 unemployed persons in January of 2014.[32] However, these statistics do not accurately reflect the actual number of unemployed persons living in Armenia as under the RA Law “On employment” in order to be considered "unemployed,” a person must be registered in the authorized state body.

With the advent on the RA law on “Employment” in January 2014, state-provided unemployment benefits have been eliminated. However, this legislation conflicts with Article 12.1 of the Revised European Social Charter (ratified by Armenia in 2004) on the subject of social security, obligating the State to provide the unemployment benefits. This

[31] SRC part of the repot
[32] http://www.armstat.am/file/article/sv_01_14a_141.pdf

obligation is also stated by the European Committee of Social Rights conclusion concerning to application of the Charter by Armenia[33].

During 2013, there were complaints lodged about improper employment practices, insofar as employers fail to issue a proper employment contract, refuse to pay wages or vacations, arbitrarily dismiss employees from work, and don't pay the final salary. Unfortunately, the Ministry of Labor and Social Affairs (MLSA) has failed to provide any information regarding the restructuring/reorganization of the State Labor Inspectorate[34]. When employees do not have a contract with their employer, they lack any legal status and therefore cannot defend their rights. Moreover, employees that work without a contract often prefer not to press for the protection of their rights due to the absence of alternative employment opportunities and the risk of losing their job.

Consequently, the matter of compensation for damages incurred by the workplace remains unresolved. Compensation for damages caused by workplace accidents and occupational diseases (due to health or sanitation) is not guaranteed due to the absence of necessary regulation – especially when the liable organization has been liquidated. For those organizations liquidated after August 2004, those employees who were affected by workplace accidents and/or occupational disease did not receive compensation. According to the "Workmen's Compensation (Accidents) Convention" of 1925, victims of workplace accidents and their dependents must be ensured the proper payment of compensation. The same obligation is also described in the "Protection of Workers' Claims (Employer's Insolvency) Convention" of 1992, according to which in case of employers insolvency the employee shall be protected by security institutions that are not available in Armenia.

The RA Human Rights Defender has received complaints that in some cases industrial injury compensation has been illegally stopped by the employers, when citizens have had acquired the right to pension. The State Labor Inspectorate issued a binding order for the employer to pay compensation for damages of the citizen's health. But the order has not been implemented by the employer yet, and thus, violated rights of persons have not been restored[35]. Overall, the European Committee of Social Rights has considered unsatisfactory the Armenian state policy concerning the working conditions in the workplace health and safety issues, which the Committee has stated in its 2013 conclusion about Armenia. [36]

In 2013 Defender has raised the issue that in case of reaching the retirement age, if otherwise not prescribed by the employment contract, the employees have the risk that their contract will be resolved unilaterally by the employer. Although the Constitutional Court in its ՍԴՈ-991 decision of 2011 noted that as a result of the legislative gap in practice the

[33] http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Armenia2013_en.pdf
[34] More details in the MLSA section of the report:
[35] For more details see MLSA section of the report.
[36] http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Armenia2013_en.pdf

peculiarities of the person's (of retirement age) constitutional rights are not taken consistently into account in the labor relations. In addition, the same decision of the Constitutional Court stressed that the Labour Code shall provide for the retired person's capability, as well as clear procedures to assess the legal capacities to pass an fixed-term employment contract between the employee and the employer, which will satisfy the normative requirements of the work, which will eliminate the issue of the employer's subjective discretion. However, in 2013 there were absent the clean mechanisms of the evaluation of the work capacity of person that would allow to indentify whether retired person properly perform his/her job duties fully, in consistence with his/her position and lost the confidence of the employer or not. [37]

3. The right to form and to join trade unions is one of the guarantees of the person's labor right. In 2013, trade union activities were not effective in protecting the interests of workers, and the strengthening of this institution was hindered by the existing unfavorable socio-economic conditions and unemployment in the country. In the light of labor instability, in case of will or of necessary employers can dismiss the employee and get new employees. As a result, employers, as a rule, did not take measures for the protection of their rights, including through trade unions. [38] In some cases, citizens did not try to appeal the trade unions to protect their rights, considering that it is not an effective remedy, and in some cases, they simply were not informed about trade unions activities. One of the reasons of that is the fact that the union in many cases does not take any measures to protect the rights of employers.

4. The right to social security (Article 12) prescribed in The Revised European Social Charter includes a state-provided medical care, old age pension, work injury case assistance, family allowances and child care benefits.

According to the Government decision No. 1 of 10 February 2013, the unit size of the family insecurity is set at 30.00 points, while the base of family allowance is 16.000 AMD, Child Benefit payment is 50.000 AMD, and the third born in the family, as well as each subsequent child is set for 430000 AMD, of up to 2 years child care allowance is set for 18,000 AMD. Comparing the sizes of these state benefits with the below listed table showing the minimum consumer and food basket values, it is clear that the state's share of social assistance is not sufficient to ensure a satisfactory standard of living, therefore, is it does not ensure people's social security right.

[37]For more details see MLSA section of the report.
[38] Idem.

2013թ.				
	First trimester /thousands/	Second trimester /thousands/	Third trimester /thousands/	Fourth trimester /thousands/
Cost of minimum consumer basket /monthly/	55.3	56.7	56.4	56.2
Cost of food basket /monthly/	31.2	32	31.8	31.7

In 2013 the minimum monthly wage, according to the "Minimum monthly wage" Law, amounts to 45,000 AMD, whereas it has been set 35.000 AMD before amending the Law on 20 June 2013.

According to the National Statistics Service data:

The statistics above show that up to the second trimester of 2013 the minimum monthly wage defined by the government is almost equal to the cost of basket of goods calculated in the same period. In the base of calculating social contributions defined by the government it is not set the cost of minimum consumer basket and basket of goods, and it is not considered as a basis for social policy realizing by the state. In the conclusion of 2013 the European Committee of Social Rights recorded that the size of age pension of people acting in Armenia is not enough to ensure normal standard living for them.[39]

5. Person's right to satisfactory living standards is enshrined in several international agreements, and includes the right to housing. In terms of this, complaints were received concerning the facts of lack of housing and / or delays by MLSA (Ministry of Labour and social affairs).[40] In addition, the question of orphanage graduates' housing also remains to be problematic. While on August 2, 2012 the Government approved the list of number of 35 orphans receiving apartments in appropriate buildings in its N 1009 - N decision, according the government's decision N 894 - N in 2013 August 1, the list of eligible persons' (families) who have right of use accommodation is still in the formative stage, a number of graduates are still deprived of their homes and stay in the residential area.[41]

6. Back in 2011-2012 the Defender raised the problems concerning the protection of owners' rights, whose property is in the zones of alienation for public and government needs, which mostly related to the problems of the compensation against the alienating property and the absence of the proper control towards the acquirers from the government. These are revealed

[39] http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Armenia2013_en.pdf
[40] For example, citizen Erem Ghukasyan's rights violations, MLSA section.
[41] idem.

during the application of the "Alienation of the property for the public and government needs" Law in Yerevan city in the process of sales of several areas recognized as exceptional priority public interest.

The Defender proposed to clarify the terms and conditions of compensation equivalent to the market value of the property, to provide real estate owners with no alternative means of assessing the possibility, to raise the efficiency of process of negotiation to contract with property owner. It was also raised the question of the lack of proper oversight and accountability mechanisms by the State in the alienation process. Thus, the "Alienation of Property for Public and State Needs" Act determine only two cases of vicarious responsibility: 1. as a result of actions taken by the acquirer during the study, as well as for property owner's damages caused by acquirer as a result of defined limitations to studied property, and 2. not sending the draft contract of alienation within the time limit to the property owner of alienated property and eligible person by the acquirer or not giving in determined period of time the amount of compensation to the deposit account or not applying to the court in determined period of time with claim of alienation of the property or in case of not transferring the additional amount of compensation determined by a court to the deposit account. In all other cases, for example, in case of conclusion of the contract between the owner of the alienable property and acquirer, when adequate compensation for alienable property, manner, terms and conditions are defined according to the consent of the parties, State doesn't bear any responsibility. Naturally, in this case problems arise when the acquirer doesn't fulfill his obligations because of liquidation of the acquirer company, suspension of construction or for other reasons.

As early as in 2012, a group of residents of Buzand Street, appealed to the Ombudsman in connection with problems of alienation of their real estate. By the decision No. 108 of 25.01.2007 of Government of RA, in farms of acquiring activities with the "Leader-Mobil" Ltd which is recognized as the acquirer of Buzand 103, 105, 107, a contract is signed with appropriate residents, according which the "Leader-Mobil" Ltd is obligated to purchase the real property from the owners of these addresses, and after 36 months to allocate them apartments from the multi-apartment buildings constructed there, but the company did not fulfill its contractual obligations, "Leader-Mobile "LLC was declared bankrupt by a court decision.[42] Thus, all the issues raised in the context in the process of alienation in our practice continue to remain relevant and require urgent solutions.

It should be noted that in a series of cases against RA about the alienation of estate for the needs of the State the European Court of Human Rights has made decisions, in which the deprivation of applicants' property and termination of right to use the property which was

[42] By the decision of Prime Minister in 2012 a interdepartmental commission was set up with the aim to present recommendations to the Government's Officers related to some existing problems in building projects in Yerevan city.

not applied in "prescribed terms of law" was recognized as a violation of the right to property.[43] By the study of the Chamber of Advocates in 2013 "The execution of judgments of the European Court of Human Rights" is stated that among these cases in the case Tunyan and others v. Armenia the compensation payment set by the Court's judgment hasn't been made within the time limit by the State. Moreover, in the case E. Tunyan we are dealing with a unique situation, when in 2005 he with his family was evicted from their land, homes and unauthorized buildings, without any compensation, because the compulsory execution of the judicial act is performed only on the part of the expulsion requirement, and since the compensation obligation set by the same act has not been established.

7. Every person has the right to the highest attainable standard of physical and mental health. In the current year in the health care industry in Armenia are registered a number of problems. During 2013 were received numerous complaints from citizens related with not providing necessary medication, providing substituting cheaper and lower quality medicines, providing insufficient quantities. Often the reason is in the process of buying medicines fixed by the existing legislation. In RA the medical services and medicines to children under seven years old are free, but there have been cases of failure to provide free services and medicines, for the elimination of which has not made the necessary control.

There is much concern about the cases of improper medical intervention because of the doctor's negligence or medical mistake which in separate cases led to irreversible consequences for the patient's life. The reason is the absence of joint medical standards. There are no clear guidelines for diagnosis and treatment of illnesses, comparing with which it will become clear whether such a mistake was made by the doctor or not. Though this process is too laborious and profitable, the development of such a project results from the interests of both the public, both the Ministry, thus it is necessary to undertake urgent measures towards solving and clearly regulating those issues.

A number of complaints were addressed to the Ombudsman on improper provision of free chemotherapy to people who suffer from cancer. The patients complained on non-transparent process of lengthy queues to receive the necessary chemotherapy free of charge and provision of medicines, as well as on their low quality and/or non-target using[44].

8. People's right to education shall be provided by the state on equal basis. Armenia has adopted the principle of investment of general inclusive education, which will invest the three-tier system of supporting children who need special conditions for education. First of all this is due to international responsibilities assumed by RA by the convention "On rights of people with disabilities". However, after the first reading in 2012, the RA draft law "On

[43] Minasyan and Semirjyan v. Armenia, Hovhannisyan and Shiroyan v. Armenia, Yeranosayn and others v. Armenia, Tunyan and others v. Armenia, Danielyan and others v. Armenia

making amendments and changes to the RA law "On general education" hasn't been accepted yet.

From 2011 up to day only 117 educational institutions out of 1400 schools carry out inclusive education, moreover, they aren't equally distributed between all the communities[45], because of which children with disabilities are often unable to attend the school located near their place of residence and have to attend the school of another community accompanied by their parents. Another problem is that most of today's inclusive schools aren't adjusted for children who are in need of special conditions for education in terms of accessibility of the buildings; there are also problems in the sphere of professional knowledge and skills of pedagogues, as well as demonstration of proper treatment towards children[46].

The RA assumed international obligations towards organizing higher education equally available for everybody by gradually investing free education, which is enshrined in the international Covenant of the UN economic, social and cultural rights. As a result of amendments which entered into force by 1183-Ն decision from September 1, 2013, the state provides tuition fee reimbursement in the form of student allowance to students who overcame the minimum threshold of the medium qualitative assessment (MQA) established annually by the RA Ministry of Education and Science and who are registered in the system of families vulnerability assessment. Thus, by the decision mentioned above the student can practically take advantage of the tuition fee reimbursement only in coming academic year on the basis of academic performance of the previous year. Actually, the person of socially vulnerable family, despite his possible academic performance during the first academic year, can be deprived of the possibility to receive higher education in condition of such legal regulation, because the decree of the latter as a student depends on the payment of the tuition fee.

[44] See details in the section of the Ministry of Health
[45] List of schools conducting inclusive education: http://www.edu.am/DownloadFile/389arm-hat_cucak-2014.pdf
[46] See details in the report on people with disabilities

POLITICAL RIGHTS

The freedom of assembly, as one of the person's most important rights, gives people the opportunity to take part in discussions of general issues disturbing the society, to support or express disagreement towards state policy, to publicly express people's positions on the most important issues of state life.

As in 2012, in 2013 also cases were registered when at different meetings, the respective bodies demonstrated differentiated approach towards the participants of meetings, for example, in case of installation of a tent at the meeting[47].

On August 24, 2013 the Police required dozens of citizens complaining against the reconstruction works on Komitas 5 to stop the assembly, and about 50 minutes after the beginning of the assembly, they used force, arrested dozens of citizens and dispersed the assembly, despite the availability of real alternative measures[48].

Other cases were also registered when the Police officers used unnecessary and non-legitimate physical force towards some people, for example, the incident between Armen Martirosyan and the Police officers during the assembly on April 9[49].

On December 2, the law enforcement bodies used force to disperse the protest consisting of 500-1000 participants. The Police arrested dozens of people, including protesters, journalists reporting the march, activists and other people who were directly near the territory of the march or near the presidential administration[50]. We received 30 calls on our 116 Hot Line regarding the apprehending of dozens of citizens to police stations and the hindrance of the peaceful assembly of citizens[51].

While, according to Article 29 of the RA law "On the police" a police officer should be also obliged to reduce the injury inflicted upon the offender to a minimum. Besides, the European Court has also stipulated that when a person has already been actually rendered

[47] See details in the Ombudsman's announcement: http://pashtpan.am/library/view_news/article/1062
[48] See details in the Ombudsman's statement: http://pashtpan.am/library/view_news/article/1085
[49] See details in the Ombudsman's statement: http://pashtpan.am/library/view_news/article/971
[50] http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220251#wrapper
[51] See details in the Ombudsman's statement: http://pashtpan.am/library/view_news/article/1113
See detail in the Police section of the Report

harmless the unjustified use of force towards the latter is considered to be a human rights violation[52].

In many cases the Police officers subjected the participants of assemblies to administrative detention and kept in Police departments for about three hours taking into account "violator's detention" regulation envisaged by the Code on Administrative violations. In separate cases, there were cases of detention over three hours. However, the Code doesn't stipulate those legal violations or cases which necessarily assume the person's detention in the Police department. As a result of the lack of certianty and predictability of the above-mentioned regulation, as well as unclear approaches adopted by the Police on bringing the participants of assemblies to administrative detention some people's right to freedom of assembly was unnecessarily restricted.

In separate cases, no statement was drawn up after keeping the participants of assemblies in the Police department for about three hours. It is necessary to take into account the fact that the international experience accepts the approach that despite the fact whether the person is apprehended or visits the Police department willingly, the data of the latter should be recorded. The aforementioned aims at preventing the cases when the apprehended people are registered in respective registers late, or aren't registered at all, in case of which there is a risk of violence, illegal restriction of a person's freedom[53].

From the viewpoint of realization of political rights, two essential elections were held in 2013, i.e. the RA Presidential elections and Yerevan City Council elections. During the elections, the majority of the complaints referred to the distribution of election bribes, voting more than once or instead of another person, stuffing, violence towards the authorized person, observer, journalist, as well as issues on stamps and gatherings.

It becomes clear from the observation conclusion of surveys and received replies made by the Ombudsman on violations during the elections, that the responsible bodies, i.e. the Police, the SIS and the Prosecutor's Office examined over 300 ostensible criminal and administrative violations on the 2013 presidential and Yerevan City Council elections. The majority of the complaints referred to the distribution of election bribes, voting more than once or instead of another person, stuffing, as well as cases of violence towards an authorized person, observer, and a journalist. The SIS started criminal proceedings on the case of stuffing of ballots in N17/8 polling station of Artashat. In the aforementioned polling station, the RA Constitutional Court considered on the results of the elections that the elections couldn't

[52] ECHR, Klass v. Germany, Reboq v. Slovenia, Gyunaqldin v. Turkey cases
[53] See in the same place

have been considered reliable and was recognized invalid by its ՍԴՈ-1077 decision[54]. At the same time, almost all the cases mentioned above were rejected or weren't revealed by law enforcement bodies[55]. Such widespread rejection of ostensible criminal and administrative violations, superficial study in some cases, as well as cases of not revealing the responsible people, led to the mistrust of many people on how fair the elections were.

During the elections of 2013, there were cases of abuse of administrative resources, such as lack of impartiality of public administration, active participation of officials of state and local self-governing bodies in campaign events, as well as campaign headquarters being situated in the administrative buildings of state and local self-governing bodies[56]. Long-term observers of the OSCE/ ODIHR International Election Observation Mission (IEOM) also stated cases of abuse of administrative resources[57]. The Constitutional Court, as well, referred to this issue by its ՍԴՈ-1077 decision pointing that the coalescence of political, economic and administrative potential in the country creates risk of deformation of the principle of separation of powers and checks and balances[58].

Simultaneously, the U.S. Department of State evaluated the Presidential elections of Armenia in general well organized[59]. The OSCE-ODIHR International Election Observation Mission also gave generally a positive assessment to the conformity of election processes of the RA Presidential elections on February 18, 2013 with the OSCE obligations and other international standards, as well as with the national legislation[60]. The legislative requirements of the provision of campaign coverage and freedom of speech of the RA Presidential candidates were properly fulfilled and equal opportunities were granted to all the candidates[61]. During Yerevan City Council elections, the legislative requirements of provision of campaign coverage and freedom of speech were also properly fulfilled. According to the monitoring report by Yerevan Press Club of the coverage of presidential elections on February 18, 2013, the media in general didn't demonstrate discrimination or obvious biased attitude towards former candidates of president[62].

As another essential and disturbing issue, that was raised by the opposition and and some international organizations, was the ratio of the number of voter participation and votes for

[54] See http://concourt.am/armenian/decisions/common/2013/pdf/sdv-1077.pdf
[55] RA Human Rights Defender's ad-hoc report on 2013 RA Presidential elections http://pashtpan.am/library/library/page/101/type/3
[56] See in the same place
[57] See http://www.osce.org/hy/odihr/elections/101982
[58] See http://concourt.am/armenian/decisions/common/2013/pdf/sdv-1077.pdf
[59] See http://translations.state.gov/st/english/texttrans/2013/02/20130221142832.html#ixzz2vZFw9s53
[60] See http://www.osce.org/hy/odihr/elections/101982
[61] RA Human Rights Defender's ad-hoc report on 2013 RA Presidential elections http://pashtpan.am/library/library/page/101/type/3
[62] See http://www.ypc.am/upload/YPC%20Monitoring_RA%20Presidential%20Elections%202013_arm.pdf

the candidate who won the elections in those PECs where the number of voters was above average[63]. Thus, according to the final report of the OSCE/ODIHR International Election Observation Mission, the analysis of the results published by the CEC showed close correlation between the participation in elections and the number of votes received by the candidate who won the elections, moreover, in the PECs where the participation was above average the majority of votes was also for the winner candidate. 1746 polling stations out of 1988 had 300 or more registered voters. In 144 of them the participation of voters exceeded 88%, which seemed unbelievably high. In 115 of those polling stations the candidate who won the elections received above 80% of votes. In 198 polling stations out of 303, where the participation was 70-80%, the winner candidate received over 70% of votes. In 40 polling stations out of 249, where the participation was below 50%, the winner candidate had received over 50% of votes[64].

It should also be noted that there was a lack of effective system to appeal the election results, because, as a rule, people were unaware of the possibilities to appeal to the Administrative Court as enshrined by law, didn't trust the Court, or the Court rejected their appeals. The RA Constitutional Court clearly stated in its ՍԴՈ-1077 decision that the RA Constitutional Court isn't eligible to discuss those issues which should be examined and solved in the RA Administrative Court, the decisions of the latter are final on those issues and aren't subject to review[65]. However, after 2013 elections the number of applications submitted to the RA Administrative Court on violation of electoral rights and participation in referendum was comparatively few[66]. At the same time, the stamps on passports, as a part of a two-level system of double voting exclusion didn't serve its purpose, because the used ink was easy to remove from passports, or they remained 12 hours more than the established time. Taking into account the fact that inking of voters' fingers is acceptable and is effectively used in many countries (Egypt, Latvia, India, Mexico, Peru), the Ombudsman offered the CEC to discuss the issue of investing it in the RA Legislation[67].

Corresponding notes were made only in 44 electoral commission registers out of 1988 polling stations on deficiencies of electoral procedure of February 18, 2013 Presidential elections, and during Yerevan City Council elections the number of at least prime facie grounded alarm-calls on double voting and other essential electoral violations is almost five dozen, meanwhile the number between the competing powers is significantly higher than this

[63] RA Human Rights Defender's ad-hoc report on 2013 RA Presidential elections
http://pashtpan.am/library/library/page/101/type/3
[64] See http://www.osce.org/hy/odihr/elections/101982
[65] See in the same place
[66] See RA Human Rights Defender's ad-hoc report on 2013 RA Presidential elections and 2012 Parliamentary elections
http://pashtpan.am/library/library/page/101/type/3
[67] See details in the Ombudsman's announcement: http://pashtpan.am/library/view_news/article/921

amount of the suspicions published on the election violations. All the political forces and the RA presidential candidates presented in the RA National Assembly nominated 20690 authorized people and members of commission. In particular, the "Heritage" party nominated candidates in 1884 precinct electoral commissions (95%) out of 1988. The representatives of opposition submitted only 12 applications of recalculation and applications on recognizing invalid only 70 election results (in 118 polling stations).

1. A number of cases were registered on beating and violence against people who are engaged in human rights activities. Thus, form July 30, 2013, civil initiative expressing public disagreement towards reviewing public transport fairs launched a peaceful, unarmed all-day-long protest before the Municipality in Yerevan, in which not only civil protesters, but also defenders of the field took part. However, cases were registered, when defenders, who took part in the protest in August, were beaten by unknown people at night[68]. Another case refers to political and civil activist Karo Yeghnukyan, who informed the Defender that he was concerned about his own security, because he actively participated in "Liberate the momument from the oligarch" civic movement. The Ombudsman urgently informed the law enforcement bodies on the aforementioned[69].

In the annual report 2010 on human rights situation in Armenia conducted by the UN General Assembly, the special rapporteur expressed concern about hindrance of defenders' legal activities and violence[70]. The aforementioned proves that it is necessary to enshrine new guarantees for people engaged in such activities within the framework of criminal policy. Nowadays, there is no concrete provision in the RA legislation which would become a guarantee to prevent the cases of hindrance of legal activities of people engaged in human rights activities, as well as to defend the aforementioned people. Moreover, the RA legislation doesn't also envisage the definition of the concept "a person engaged in human rights activities". Article 1 of the Declaration on defender's rights and responsibilities accepted by the UN on December 9, 1998, states that each person has the right to fight for the defense of human rights and fundamental freedoms and support their realization personally or with others. According to the Declaration, the state must take all the necessary measures by the competent bodies to defend every one personally or with others from violation, threatening, revenge, hostility, discrimination, pressure or any other arbitrary activities as a result of the implementation of those rights which are adverted in the Declaration.

[68] http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220251#wrapper
[69] See details in the Ombudsman's announcement: http://pashtpan.am/library/view_news/article/1096
[70] See http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/179/19/PDF/G1017919.pdf?OpenElement

2. People's political right to create public unions, as well as parties has a great role in democracy and civil society building. The proper realization of the mentioned rights is guaranteed by the Constitution. The examination of the RA respective legal field, in particular, RA laws "On parties", "On non-governmental organizations", "On trade unions" shows that the constitutional right of a person to form public associations with other people and become their members is legally regulated in the Republic of Armenia: there are no barriers for people to form or join public unions (non-governmental organizations, parties, civil initiatives, etc.), this way expressing their political or civil position on this or that issue.

The institute of volunteer work plays a key role for the development of civil society organizations. In Armenia the volunteer work isn't clearly regulated by law, which is considered one of the main elements of civil activeness in modern democratic societies. Volunteerism, the work done by volunteers, doesn't assume financial compensation and is implemented on pro bono (social) basis. It is necessary to develop such mechanisms which will provide the development of volunteerism in Armenia at the same time excluding the opportunity to abuse in working relationships, to keep unregistered employees, to violate the rights of employees, as well as to evade from tax payments. For this aim the RA draft protocol "On approving the concept of institutional and legislative amendments of development of non-governmental organizations" is currently in circulation, however we consider that it is necessary to be consistent in realizing the project within possible short periods.[71]

[71] See http://www.justice.am/legal/view/article/593

RIGHT TO FREEDOM OF SPEECH

According to the official data of the RA Police, 19 materials were prepared in 2013 on cases of violence against representatives of mass media or journalists or hindrance of their professional activities, on 13 of them, decision on rejection of filing a criminal case was made, on three of them criminal cases were filed, two of which were sent to the court with an indictment, the proceeding of one case was suspended, three materials were sent to the Special Investigative Service and to the Investigative Service of the Ministry of Defense, according to the investigative subordination[72]. Out of the three criminal proceedings, the criminal proceedings started based on the statement of the journalist H. Karapetyan of "iLur.am" website was suspended for hindering the journalist's activities in the place where Yerevan City Council elections were held, pushing him, punching, as well as forbidding to make recording. The proceedings of the criminal case was suspended based on reconciliation with the victim. At the same time, the Defender was informed by the Police that an official investigation was conducted on the basis of the article, including in "iLur.am" website, in Yerevan Police Department, as a result of which three people were imposed to disciplinary penalty.

It is noteworthy that in the period of Yerevan City Council elections and Presidential elections held in 2013, during pre election campaign and coverage of elections, based on the statement of hindrance of the journalist's activities, except for the case mentioned above, the Police rejected to file criminal cases on other statements, where one of the proceedings started on the basis of two statements presented to the Special Investigative Service on 21.02.2013 was suspended, the other one was terminated because of not finding out who the people hindering the journalist's activities were.

The mentioned statistics somehow justifies public distrust towards investigation of cases on hindrance of journalists' activities, in particular, in the context of the coverage of elections.

Though, in the current year, in cases of insulting or defamation, positive tendencies on the maximum amount of compensation for damage were enlisted in judicial practice, however, problems were identified in the sense of proper interpretation and application by separate institutes. It mostly refers to features of imposing a ban on cases of insulting or defamation as a means to ensure the outcome of the suit, which in some cases weren't adequately taken into consideration in judicial practice. In courts, citizens were deprived of the possibility of means of legal defense against non-public insult, as the regulation of Article 1087.1 of the RA Civil Code excludes the cases when the announcement was made not publicly with the absence of the third person. The issue of absence of liability for non-public insult was raised by the RA Human Rights Defender in the RA Constitutional Court in 2011. While the RA

[72] In the mentioned departments the proceeding of the two cases was suspended because of being unaware of the identity of respective people, one proceeding was terminated based on the absence of crime.

Constitutional Court stated in its decision[73] that with the aim to overcome the gap of this legal regulation, the RA National Assembly should make the issue of legal regulation of defense from non-public offense a subject of discussion within the framework of its jurisdiction. However, up to day this issue hasn't received any legal solution.

The issues of pluralism and diversity in television broadcasting, as well as of provision of legal requirments of advertising were problematic. Though the National Committee of the Television and Radio (hereinafter NCTR) has clear authorities to supervise the activities of TV companies, to conduct surveys and examinations in TV and Radio companies for the implementation of its supervisory activities, as well as to conduct monitoring, the NCTR didn't record any case of violation of legislative requirements regulating the sphere of TV and radio by TV and Radio companies, as well as violation of the terms and conditions of the license in the current year. This statistics itself arouses serious suspicion on the efficiency of the NCTR activities taking into account the results of different monitoring and research activities conducted in the current year. Thus, according to the results of monitoring of only six Armenian TV companies conducted by "Asparez" club of journalists from 15-21 of August, 2013, 30 violations on the provision of the requirement of 14 minutes of maximum duration of the commercial broadcast for each air hour were recorded, 128 violations on the requirement not to interrupt the programs lasting for up to 20 minutes with a commercial more than once and other violations.

The ability to promote pluralism is considered criteria to choose an authorized person by the NCTR, though in the course of 2013 there were numerous complaints and appeals on lack of pluralism in television broadcasting field, no case was recorded of violation of the terms and conditions of the license by the NCTR. Moreover, when conducting its programming policy the NCTR justified the maintenance of principles of diversity and pluralism by Public TV and radio company only with the coverage in comprehensive and equal conditions and not recording violations of Presidential and Yerevan City Council elections in 2013. This justification itself proves the incomplete and fragmentary nation of the supervision conducted by the NCTR as it is obvious that the maintenance of principles of pluralism and impartiality by Public Television cannot be conditioned only by the maintenance of legislative requirements during the elections held in the respective year. Moreover, "Mapping digital media in Armenia" report published by the Open Society Foundations in November 2013, recorded that the television, which still remains the main source of information, is largely supervised by the authorities. An extensive covert censorship is available as a result of political pressures applied towards mass media. The majority of mass media is dependent on large companies and political elite into which they are integrated[74].

The NCTR didn't enlist any violation case of requirements on restrictions of foundation of TV and radio companies, verification of compliance with these requirements was conducted

[73] Number ՍԿՀՈ-997

[74] Mapping digital media, Armenia, Country report, OSF, November 2013

by the commission by implementing license competition for television and radio broadcasters' air broadcasting, as well as by implementing license of broadcasting of television and radio companies with cable network, also, by means of electronic system of state register of legal entities of the Ministry of Justice. These mechanisms and legal regulations of verification are obviously insufficient from the viewpoint of ensuring transparency of the activities of TV and radio companies and create a serious danger for interference in the activities of TV and radio companies by parties, state officials, foreign organizations and other people which is forbidden by law, as well as create a serious danger for violation of anti-monopoly requirements. Moreover, though according to the RA law "On Television and radio" the NCTR can be involved in the development of legislative projects in television and radio sphere, it didn't initiate anything to work out effective legislative regulations to prevent these problems.

Problems were identified in the sphere of ensuring freedom of information. "Freedom of Information Center" NGO in 2013 presented 203 queries to different bodies disposing information with the aim to receive information. On the basis of the conducted surveys, the silent rejections, as well as incomplete answers were identified as the main issues of freedom of information. It was recorded by the annual report that even though the main problem still remains the lack of public and transparent working style in state bodies, the problems changed in the process of providing information. In comparison with 2011, the number of silent rejections decreased in 2013 by about 3 times. However, the number of silent rejections was reduced mostly being replaced by incomplete or unjustified responses or unreasonable rejections. In comparison with 2011, the number of incomplete responses increased ten times in 2013, the number of unjustified rejections 4 times, the number of unjustified responses 2 times. In the sphere of freedom of information another main problem is the violation of periods of providing information.

In the legislative field related to mass media the project of amendments in the RA law "On Television and radio" was peculiar in the current year, which was approved by the RA Government at the end of the year[75]. The project stipulates prohibition of commercial advertising on Public Television, except social advertising, as well as cases of mentioning some information about sponsors during cultural, educational, scientific and sport programs. These amendments are positive in the context of mission and intended purposes of Public Television; however, the issue of lack of regulation on the decision criteria and procedures of social advertising becomes more problematic. The RA law "On advertising" establishes commercial transmitter's responsibility to provide a certain volume of air time presenting national interests of health and health care, environmental protection, social defense and for social advertisements with non-commercial nature. No other regulation is envisaged on the decision criteria and order of social advertising.

[75] The draft was involved in the agenda of four-day sessions of the National Assembly

Five deputies of the National Assembly presented a draft on making amendments in Article 1087.1 of the RA Civil Code by a legislative initiative in 2013, which, among other changes, envisaged reducing the amount of compensation stipulated for libel and insult. The Government was against the adoption of the draft in full. We consider that the proposal to reduce the amount of compensation stipulated for libel and insult presented by the draft was subject to discussion by 15.11.2011 ՍԴՈ-997 decision of the RA Constitutional Court. Thus, the Constitutional Court recorded by the aforementioned decision that the establishment of concrete amount of compensation is within the scope of the legislator's discretion. Simultaneously, taking into account the proposal of number 1577 (2007) resolution of October 4, 2007 of the Council of Europe's Parliamentary Assembly on decriminalization of libel to establish a reasonable maximum limit in the sense of the amount of damage compensation so that the vitality of the responsible media isn't endangered, the Constitutional Court found it necessary to discuss the review of the maximum limit by the legislator with the tendency to reduce it so that it practically excludes the disproportionate restriction of the right to freedom of expression. Such conclusion is conditioned not only by the tendencies of the law enforcement practice, but also by the reality that in Armenia the ratio of Gross Domestic Product is larger than in some member countries of the Council of Europe which adopted the approach of decriminalization of libel and insult. Therefore, though in law enforcement practice positive tendencies were recorded in the sense of application of maximum amount of compensation on cases of libel and insult but it is obvious from number ՍԴՈ-997 decision of the Constitutional Court that the necessity to review the maximum amount of compensation is considered not only by the tendencies of law enforcement practice, but also by the necessity of ratio of upper limit of compensation and Gross Domestic Product per capita, and establishment of reasonable maximum limit enshrined by number 1577(2007) resolution of the Council of Europe's Parliamentary Assembly which has the aim to exclude the disproportionate restriction of the right to freedom of expression in practice.

Amendments were also made to the RA law "On Copyright and Related Rights" which established the conditions of use of information materials, republishing procedure of excerpts from the news items of online and printed media, other printed media and websites. The implementation of these amendments is positive from the viewpoint of ensuring mechanisms of more precise and predictable defense of copyright, the proper implementation of the stipulated legal regulations in judicial practice is equally important, which cannot be estimated in this stage. By the amendments made in the RA law "On Television and Radio" which came into force in July 2013 throughout the whole territory of the RA, the deadline of termination of analog broadcasting was set July 1, 2015. It should be mentioned that the period from July 20, 2010 to January 1, 2015 was established as the period of transmission from analog broadcasting to digital broadcasting. Accordingly, the period to establish licensing terms and conditions for multiplexes for the creation of a specific network for digital broadcasting by legal persons was prolonged for six months. The

period of ensuring radio digital broadcasting was established 2016, instead of 2013. The periods of license validity of respective companies were also prolonged. The extension of periods was conditioned by technical, material and financial difficulties of digital system investment of radio and television broadcasting in the RA territory which were still considered insuperable both for state and for broadcasters and consumers. It should be noted that in July, 2010, as a result of the competition of eighteen television broadcasters announced by the National Commission, the number of TV companies reduced by 4, which was justified by the transmission to digital broadcasting. The continuous cancellation of digitization process actually leads not only to the restriction of TV channels, but also to the violation of international obligations assumed by the RA. Thus, Geneva GE-06 agreement of 2006 envisages terminating analog broadcasting on June 17, 2015[76]. Moreover, the regulations in the RA law "On television and radio" necessary for legal regulation of digitization process haven't been established up till now: the respective draft law is still in the discussion stage.

[76] International Telecommunication Union (ITU), at http://www.itu.int/newsroom/press_releases/2006/11.htm

RIGHTS OF IMPRISONED PEOPLE

The main factors of violation of the rights of imprisoned are related to the cases of torture, inhumane and degrading treatment, as well as cases of possible excess of use of force[77].

Article 3 of the European Convention of Human Rights (furthermore Convention) directly envisages prohibition of torture, inhumane or degrading treatment or punishment. The same prohibition is also reproduced by the Legislation of the Republic of Armenia[78].

One form of demonstration of bad, inhumane and degrading treatment towards the imprisoned in penitentiaries is keeping them continuously in inhumane and degrading living conditions[79]. Based on this, the European Court of Human Rights recorded violations of requirements of Article 3 of the Convention on cases submitted against the Republic of Armenia. Thus, it was recorded with the case of Kirakosyan v. Armenia that the latter was kept in a cell with 8.75 square meters with seven other people, which had very small and dirty windows with metal bars which hindered the penetration of natural light into the cell. There were no beds in the cell and the imprisoned had to sleep on the ground. The cell was full of parasites and insects[80]. Though the applicant moved to another cell on the first day of his arrest, which resulted in slight improvement of his arrest conditions[81], however, even in that case the territory was essentially smaller than the 4 sq. meters which is the minimum requirement stipulated for one prisoner in a crowded cell according to the CPT standards. The ECHR estimated such conditions as inhumane and degrading treatment which resulted in the violation of the Convention. The European Court of Human Rights recorded violation of Article 3 of the Convention on another case (Karapetyan vs. Armenia)[82] because of the lack of personal minimum space, anti-hygienic conditions of solitary confinement cell, lack of natural light and facilities for sleeping, as well as availability of anti-sanitary toilet[83].

Although the aforementioned cases are related to 2003, however, a lot of issues of conditions of keeping in penitentiaries were also recorded in 2013. Thus, as a result of the conducted monitoring visits, it was recorded that in "Nubarashen" penitentiary the majority of the cells are in damp and anti-sanitary conditions, because of bad conditions of bathrooms, the imprisoned are obliged to breathe the fetid during the whole day. Besides, as a result of frequent drainage accidents water flows out into the corridors (in different places on the first floor), which contributes to the spreading of cockroaches and other insects on walls and floor. During the visits made in the first half of 2013, 17 prisoners lived in a cell of 25 sq.

[77] Minimum standards of application of force and special means towards detainees are established by 64-69 rules of European prison rules. Among other issues those rules require an availability of a detailed procedure on application of force, as well as an obligation to submit reports to corresponding bodies after the application of force.
[78] Article 17 of the RA Constitution, Article 11 of the RA Criminal Code, Article 5 of the RA law "On Police", etc.
[79] See details in NMPT section of the Report.
[80] ECHR, 02/12/2008, /Kirakosyan v. Armenia/, application number 31237/03,40-59 points
[81] 2.2 sq. m. personal territory.
[82] The arrest lasted 10 days.
[83] ECHR, 27/10/2009, /Karapetyan v. Armenia/, application number 22387/05, 33-47 points.

meters in "Nubarashen" penitentiary, 12 beds were installed for them. Within the same period it was recorded during the visit to "Vardashen" penitentiary that 6 prisoners lived in a cell with 12 sq. meters. Poor building conditions were also recorded in "Goris" penitentiary, which was built at the end of the 19th century. In the cells moisture level is high and the bathrooms are in poor sanitary conditions. The main problems identified in penitentiaries become more aggravated because of the low level of socio-psychological services, fragmentary nature of provision of employment and rehabilitation programs, insufficient quality of food. The detailed analysis of conditions for keeping in penitentiaries of the Republic of Armenia is presented in NPM section of the Report.

During the visits made to penitentiaries insufficient conditions of provision of medical services were recorded[84]. It is noteworthy that the issues of lack of proper medical aid in places of detention are also observed by the European Court of Human Rights in the context of Article 3 of the Convention. Thus, the lack of necessary medical aid during the arrest was on the basis of the appeal of Harutyunyan v. Armenia. The Court recorded that the arrested person demanded the necessary medical aid which wasn't available for him. This circumstance was considered enough to record a degrading treatment in the sense of Article 3 of the Convention.

The surveys also enlisted the availability of a certain subculture among prisoners, as a result of which "vulnerable" detainees are subjected to degrading treatment by the detainees who are in the highest place of non-formal hierarchy. This problem was mentioned even in the report of the European Committee of Prevention of Torture (CPT). In particular, it was recorded that with the aim to estimate control on prisoners there is a tendency in penitentiaries to delegate certain powers by the administration to people who are in the elite of informal prison hierarchy (prison "leaders", so-called "crime bosses"). This hierarchy is a type of "prison shadow governance," which is accepted by the majority of the administration of penal institutions. The personnel, with whom the CPT delegation had private talks, clarified the phenomenon to delegate reasonable powers to "leader" prisoners with the necessity to ensure security in penitentiary institutions in conditions of restricted human resources. Simultaneously, the personnel considered such kind of "governance" viable so far as it allows ensuring that the "leader" prisoner doesn't use his reputation towards the majority of prisoners to the detriment of administration of penitentiary institutions[85].

Thus, in the corresponding period, a number of cases recorded in penitentiaries can be qualified as a demonstration of continuous inhumane and degrading treatment towards prisoners[86].

[84] See details in NMPT section of the Report.
[85] Report of May 20-21 of 2010 addressed to the RA Government by the European Committee of prevention of torture and inhumane and degrading treatment (CPT) during their visit to Armenia, Strasburg, August 17, 2011.
[86] As a result of application of decision on announcing about amnesty by the RA National Assembly, the issue of overcrowding of penitentiaries was resolved in the fourth trimester of 2013.

Frequent cases of self-mutilation and hunger strikes still remain disturbing which are used by prisoners to draw the attention of authorities and public towards their problems as extreme measures to display despair. Only in 2013, 31 applications were registered to the Defender's office on hunger-strikes. This problem was also referred to in CPT report[87].

The problem of prisoners sentenced to life imprisonment deserves special attention. In 2013, one case of suicide was recorded among prisoners sentenced to life imprisonment. Systemic unsolved problems are available in this field, i.e. lack of a flexible system of socio-psychological proper services (one psychologist is stipulated for over 100 life prisoners, moreover, the same psychologist serves also other prisoners), effective rehabilitation programs (there are no conditions to organize cultural, sport events, as well as to manage effectively the prisoner's free time), effective mechanisms of the cases review, changes of regimes of prisoners sentenced to life imprisonment, as well as early release from punishment.

Although, due to the application of the amnesty decision of the National Assembly by the end of the year, the problem of overpopulation of the prisons was resolved, nevertheless, one of the essential conditions for its contribution continue to remain the imprisonment as a preventive means of law enforcement practice.

Based on the comparative analysis on the activities of the RA Courts in 2012-2013 published by the RA Judicial Department, it was recorded that in 2013 the RA court of first instance received 3172 motions on imposing of detention as a means of prevention, 3011 (94.9%) out of which were satisfied, 153 (4,85%) were declined, and 8 were left without examination. During the same period the RA Court of First Instance received deposit has been received in courts of first instance, as an alternative measure of arrest, use of the 576 cases, of which 129 cases (22.4%) were satisfied, 427 (74.1%) were rejected, 16 were left without consideration. The mentioned statistics once again confirms the widespread practice of the court on applying imprisonment as a means of preventions, while the decisions of applying imprisonments as a means of prevention are not actually being justified by the courts.

From the point of view of the established criteria and procedures as well as the compliance with international standards of the existing regulations and legal practice, the early parlor condition release when serving the sentence is of concern. This issue is in the stage of systematic review and assessment by the Defender.

During the visits conducted by us, numerous complaints are being received by the detainees and persons sentenced on the torture or cruel, inhuman and degrading treatment by the investigation and pre-investigative bodies when forcing to give testimony. According to the official data 4 such cases were revealed in 2013[88]. In majority of cases, these claims/affiliations are presented

[87] See details in the section of the Ministry of Justice.

[88] In details available in the RA Police Chapter of the Report.

also in the courts; however no appropriate action or response to them is followed. In its concluding observation on Armenia issued on July 6, 2012 the UN Committee against Torture (CAT) expressed its concern on the information when the defendant alleged that a confession was obtained through torture and the proceedings were not suspended[89]. In such cases the Republic of Armenia was suggested to suspend the proceedings until the claim has been thoroughly investigated. Furthermore, the UN Committee against Torture as a preventive measure suggested the State party to ensure audio- or videotaping of all interrogations in police stations and detention facilities. This suggestion was presented by the Human Rights Defender as a measure to be included in the Human Rights Protection National Strategy.

The Defender records that so far the RA Criminal Code does not conform to the definition of torture in accordance with the requirements of the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[90]. This issue was constantly raised by the UN Committee against Torture numerous times back in 2000, and the last time in the concluding observations of 2012, however till now the RA Criminal Code does not correspond to the requirements of the Convention.

The next significant legal issues is related to the absence of fair and adequate compensation mechanism for the persons subjected to torture, inhuman or degrading treatment or punishment, the provision of which explicitly stems from the requirements of the UN Convention Against Torture. By the N ՍԴՈ-1121 of 5.11.2013 decision of the Constitutional Court Part 2 of the Article 17 of the RA Civil Code, in so far as it does not view moral damage as a type of damage[91], was considered unconstitutional to some of the Articles of the RA Constitution and was considered to be invalid. The decision stated that torture, inhuman or degrading treatment or punishment may be followed by the justification of mental and moral suffering which can even be more than the possible physical / body/ or material damage caused by them and without of which fair and reasonable compensation is not possible to fully compensate the person and the damage caused to his/her dignity[92].

[89] Concluding observations of the Committee against Torture. Armenia. 06/07/2012. COMMITTEE AGAINST TORTURE. Forty-eighth session. 7 May–1 June 2012:

90 In accordance with the Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.:

[91] As well as does not provide the opportunity of moral damage compensation, thus limiting the person to enjoy the right of the individual to accessible and fair court , at the same tile hindering the conscientious implementation of international committeemen of the Republic of Armenia.

[92] The RA Constitutional Court N ՍԴՈ-1121 decision of 053.11.2013 (based on the application of the citizen Arthur Khachatryan to define the correspondence of Part 2 of Article 17 of the RA Civil Code with the RA Constitution).

RIGHTS OF SERVICEMEN

Within the current year the following issues of the rights of the servicemen were recorded. In accordance with the official data provided by the RA Ministry of Defense in 2013 23 mandatory and 7 contract servicemen death cases during the period of military service. According to the official data 6 cases out of 30 were the consequences of ceasefire violation, 8 – suicide or making the person reach the suicide, 3 were murder cases, 4 because of illness, 3 were accidents, 4 were a consequence of service related car accident, 1 case was because of the explosion of mine and 1 case because of the breach of the weapons handling rules. The aforementioned statistics shows that majority of the cases of deaths in the army during the peaceful period are due to the suicide or making the person reach the suicide, murder or illness which are the reasons for the moral-psychological environment in the army, for the non-statutory relations, military discipline and improper supervision over the statutory regulations, as well as for the organization of medical service and grave violations of medical control. The investigations of the deaths in the army during peaceful period remain of concern. There is lack of public trust in regards to the preliminary investigation bodies and criminal trials. In 2013 the Human Rights Defender examined the criminal case of Jora Mkrtchyan, servicemen of the RA Armed forces who was beaten up, subjected to violence and later died. As a result of the aforementioned it was stated that the preliminary investigation body did not undertake necessary measures in order to provide relevant criminal-legal assessment of the activities of the officials who sent the latter to patrol. The body conducting criminal proceedings did not immediately undertake measures to appoint relevant examination. As a result of examination the decision of human rights violation was appointed. The main factors of violation of the rights of military servicemen are the violations of the statutory rules between the military servicemen. In accordance with the "Code of Disciplinary Regulations of the Armed Forced of the Republic of Armenia" RA Law, commanders (Chiefs) of all groups, officer and warrant officer other staff are responsible for the strengthening of military discipline and statutory regulations. The Code also stipulates that in case of not undertaking relevant measures for strengthening of military discipline and not subjecting the disruptive servicemen to disciplinary liability the commander) chief is subject to the liability envisioned by the law. During 2013 241 cases of statuary relations violations between the servicemen were recorded, however only 10 unit commanders were subjected to disciplinary liability during the year[93]. Although a number of steps were conducted to prevent such cases, the aforementioned statistics witnesses the insufficiency of the preventive measures on violations and individual activities, as well as the ineffective implementation of liability measures.

There are also issues in regards to the proper medical service organization and control during the military service. The soldier who referred with some health problem to the medical

[93] The official data presented by the RA Ministry of Defense.

department of the unit in general is being provided symptom treatment (for example the temperature of the body is being decreased), while the real illness is not revealed or is being disguised as long as new symptoms or complications are emerging, which can cause irreversible consequences, including death.

The Human Rights Defender Institution received alarm-calls from the parents of the draftees on the latter being called for military service while having serious health problems. In most of the cases those concerns were approved, based on the provided passes double medical examination was conducted and the draftees received exemption from compulsory military service due to health problems. In separate cases the representatives of the Human Rights Defender participated in the Central Military Medical Commission sessions. In accordance to the data provided by the Ministry of Defense during the current year 728 complaints were received on the decisions of central medical commission. All the draftees having complaints underwent double medical examination. The decisions in regards to 21 draftees were changed. The reason for changing the decision was the incomplete medical examination. It is noteworthy that no error of doctor of the commission was revealed during these decision changes, as a result of which it can be concluded that t no one was subjected to liability for the provision of wrong decision.

The manual regulating the limitations of the compulsory military service expiration functions starting from January 2014, according to which conscripts with health problems are being informed by the medical service of the unite and their commanding staff of the forms of service contraindicated for them. In accordance with the N 410 Order of the RA Ministry of Defense if the mandatory servicemen of the junior staff is individually considered Sergeant suitable for the service with limitations, than the list of the services contraindicated for the person are being mentioned in the decision of the Central Military Medical Commission. To our opinion, it is necessary to develop more concert and effective measures for the draftee to get to know the decision of the military medical service decision applied to them and the exact list of the services contraindicated for them mentioned in there before the actual military service. In accordance with the Article 23 of the RA Constitution “everyone shall have the right to acquaint himself or herself with the information — at state and local self-government bodies — concerning him or her.” The Human Rights Defender suggested the draftees with health problems before actual military service is given the opportunity to get acquainted with the decision related to them without improper obstacles and prolonging and in that decision be mentioned the exact forms of service contraindicated for them. This approach will also contribute to the military spirit of the servicemen as the latter will have clear idea where and in which conditions his military service will be.

The term “fit for service with limitations” is not defined by the RA law. It is necessary to define the term “fit for service with limitations” by law which will more clearly secure the legal status of the servicemen drafted with limitations and will ensure more granted system

of the protection of the rights of servicemen. Furthermore, it would be consistent with the requirement of the RA Constitution in the essence that no one may bear obligations that are not prescribed by law.

The issue of noncompliance with the timeframe for the release from military service of some servicemen who presented a report on refusal of reimbursement of post-educational contractual military service still remains unsolved in 2013. Such issues were mainly due to the review of the grounds and reasons for leaving, and the approach of the RA Ministry of Defense when in order to solve the problem concerns and / or complaints of the military servicemen were studied in-depth and detailed is welcomed, however the aforementioned should be done in short and reasonable timeframe, otherwise such situation in essence is equated with forced labor, which is forbidden by the RA Constitution and international legal documents.

Despite the fact that in 2013 37 military servicemen were provided with the housing by the RA Ministry of Defense, the housing problem of a number of military servicemen is still actual. It is welcoming that in numerous cases the Ministry provides housing to the military servicemen through the provision of service housing and monetary compensation for rented apartments, and starting from January 1, 2014 the monetary compensation for the rented apartments has increased with 10 %. In the 2013, 1204 military servicemen were granted permission to be provided monetary compensation for rented apartments.

51 cases of abuse of food distribution were revealed in military units, out of which only 7 criminal proceedings were alleged and in regards to other 44 service examinations were conducted. The military servicemen found guilty were subjected to disciplinary penalty, and the damage caused by them was compensated by them.

Although the renovation activities are being carried out in the military unites, the conditions of some buildings remain insufficient. Thus, military buildings are old (some of the buildings of Yerevan, and Lori, Kotayk, Gegharkunik, and Armavir marzes' military units), not standard (some of the buildings of Yerevan, and Lori, Kotayk marzes' military units), are in need of major repairs and in some unites are outside the unit territory (some of the buildings of Lori and Gegharkunik marzes)[94].

In the current year the conditions of alternative military and alternative work services were improved, which is a huge step towards the implementation of the RA international commitments. As a result of the legislative changes of 2013 in the RA Law "On Alternative Military Service" the duration of the alternative military service was reduced to 30 months, and alternative work service to 36 months. By the N 796-Ա decision of the RA Government adopted on July 25, 2013, the exact places (organizations) for the alternative military service were defined in a list, as well as the activities done during the alternative work service.

[94] More details available in the National Preventive Mechanism Chapter of the Report.

THE RIGHT TO LIVE IN A HEALTHY AND FAVORABLE ENVIRONMENT

In accordance with Article 33.2 of the RA Constitution, everyone shall have the right to live in an environment favorable to his/her health and well-being and shall be obliged to protect and improve it in person or jointly with others. The State ensures the protection and reproduction of the environment and the reasonable utilization of natural resources (RA Constitution Article 10). The public officials shall be held responsible for hiding information on environmental issues and denying access to it[95]. The RA has undertaken a number of international commitments to ensure the rights of the person to live in a healthy environment, to receive environmental information, to participate in the acceptance of the decisions related to the environment, access to justice and other environmental rights; however in practice there are numerous issues which hinder the unrestricted exercise of these rights.

The illegal felling is a serious environmental problem. According to official data, in 2013 the total number of illegally cut trees was 2031, which is around 10 percent more than the data of 2012[96]. Within the past 70 years the forests of Armenia were destroyed as a result of which the conditions of forest regrowth were distorted thus negatively impacting on the whole eco-system. The reasons of illegal felling were the usage of wood in industry and the necessity of the provision of firewood for the socially insecure layer of the society. Although the state authorities responsible undertook measures to reveal the cases of illegal felling, the increase in the number of these kinds of cases testifies the ineffectiveness of the undertaken preventive measures. It is worth mentioning that within the past few years no alternative report on illegal felling was developed, however the research[97] of "International center for Agribusiness Research and Education" fund conducted in 2010 recorded the fact in comparison with official data the illegal filling data, in the factual minimum level comparison, is about 80 times higher. Although the Ministry undertook measures to subject the guilty ones to liability, as a result of which 419 administrative offense acts were prepared, not all the cases of offences were revealed.

In the current year a number of cases of illegal hunting's were recorded in the "Khosrov Forest" reserve and other special places of the Republic which testifies that the activities of

[95] Article 33.2 of the RA Constitution.

[96] Details available in the Ministry of Natural Resources Chapter.

[97] "Socio-economic assessment of illegal felling impact and unsustainable actions in nature management by rural residents in Armenia", Agribusiness and Research Center, Yerevan 2011

control and prevention of illegal hunting undertaken by the Ministry of Nature Protection often were ineffective[98].

There are a number of issues in regards to the construction and operation of small SHPPs, which stem from the company's activities in the initial stages and in practice are the results of legislative requirement violations, of failing to carry out the international obligations of the State and of legislative gaps. The initial stage of the construction of SHPP is the land provision permission stage, which is not accessibly for the society, thus, there are no impact mechanisms on it. The society becomes part of such decision makings only in the environment impact assessment stage, which with the environmental assessment of public monitoring is often conducted with the violations of the requirements of the RA Legislation[99]. The main issue related to the construction of SHPP is the ecological flows, which are often not preserved thus resulting in the damage of ecosystem. Only in August of 2013, as a result of random inspections in Lori and Gegharkunik three small SHPP conducted by the RA Ministry of Nature Protection rapid response group, violations were recorded. So, as a result of the monitoring carried out in the water intake station of Lori Marz "Kurtan" small SHPP belonging to "Tirakal" LLC it was revealed that the ecological flow of the water from the station was lower than the established norms. And as a result of the monitoring of water intake station of Gegharkunik marz "Grigar" SHPP it was revealed that the ecological flaw of the station built on Getik River is 0, which is a gross violation of environmental legislation and norms. Similar study was conducted in the "Erik" SHPP of Gegharkunik Marz[100]. In a number of cases numerous SHPP are built on the rivers without taking into consideration the fact the results of the load on the river[101]. In some cases the small SHPP are constructed in special preservation territories. In its research[102] published in 2013 the "EcoLur" informative non-governmental organization recorded violation of legislative requirements in construction of small SHPPs in national parks, buffer zones of the reserves, reserves. The same research states that the operation of small SHPPs do not take into consideration the needs of the affected community, in most of the cases their construction and operation has a direct negative impact on the welfare of the communities depriving them of their meadows, pastures, irrigation and rest zones and other vital resources.

[98] Details available in the Ministry of Nature Protection Chapter.
[99] "SHPPs Under Umbrella of International Financial Institutions", "EcoLur" informational NGO, Yerevan, 2013.
[100] http://www.mnp.am/?aid=2117#sthash.b4hr6X7R.dpuf
[101] The Yeghegis River forming the ecosystem of Yeghegis gorge has changed its compositions in recent three years. Under the data of Environmental Impact Monitoring Center of Nature Protection Ministry, water temperature in the river has risen by 1◦C from 2009 to 2011. Its transparency decreased by 3 cm, oxygen content by 2 mg/l, which already had its impact on fish reserves. River trout, endemic species, has already disappeared in the lower section of rivers. This is due to the pressure exercised by SHPs, for which 12 licenses have been issued (http://www.ecolur.org/en/news/water/yeghegis-river-%20changes-its-composition-for-three-years/4701/).
[102] "SHPPs Under Umbrella of International Financial Institutions", "EcoLur" informational NGO, Yerevan, 2013.

The procedure of the assessment of the impact on environment in Armenia is carried out by the RA Law "On Environmental Impact Assessment" (hereinafter referred to as Law" defining the types of activities subjected to assessment, as well as presenting the admissible concentration limits of intended activities and, in case of being lower than the limits defined the assessment is not applicable. Although mentioned assessment is a mandatory activity conducted by the State, in practice this legislative requirement is often ignored and for assessment is presented the project documents of in construction and/or already functioning objects[103]. In this context, the issue of the development of Teghut mine is subject to discussion. In accordance with the researchers conducted by the environmental NGOs the development of the mine is conducted without assessed project, and although there were numerous alarms raised on it the Natural Resources State Service of the Ministry of Nature Protection so far has not undertaken any checks[104]. It is worth mentioning, that the nature protection organizations not once have raised the issue that back in 2006 the permission for "Teghut" CLC activates was provided with a number of violations which in 2011 was re-stated by the Compliance committee of Aarhus Convention. Besides, in regards to ACCC/C/2009/43 Communication the UN Committee on Social and Economic Rights with its concluding observation stated that in the process of issuing of license for Teghut mine development the requirements of the Convention were violated.

With the ratification of Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus), the RA committed to provide public involvement in decision making on environmental matters, while the legal practice shows that this legislative requirement in some cases is totally ignored, and sometimes even has merely formal nature and does not serve its purpose[105]. The Law defines the requirement of public hearings, however the rights and role of the society is not clearly defined, it is limited to the rights of getting acquainted with the documents or obtaining information on them, as well as to the right of presenting suggestions and objections on them. The opinions of the public is recorded and with other documents is presented to the relevant specialist and expert, which, however, has a formal nature, as does not have a mandatory nature/meaning. Furthermore, the Compliance Committee of Aarhus Convention recorded that Armenia as a party to the Convention failed to fulfill certain of its

[103] http://www.mnp.am/?aid=1998, the findings of the Nature Protection State Investigation Service of the RA Ministry of Nature Protection (01.07-13.07.2013թթ.) , http://ecolur.org/hy/news/mining/quotat-metalsquot-llc-performing-operation-without-documents/5096/

[104] Details available in the Ministry of Nature Protection Chapter.

[105] As an example the construction of "Eghek" SSPH of Shatin village, Vayots Dzor marz can be mentioned, were only one public hearing was organized, which, however, was not considered by the authorities responsible.

commitments, in particular, in regards to Teghut mine development project the rights of the public to effective participate in the government decision- making process was violated.

The environmental organizations received a number of alarm-calls and complaints on the inaccessibility of the information on environment, when as a reply to the notes in regards to an issue addressed to the competent authorities incomplete answers are provided, and sometimes no answer is provided. So, on 5th April, 2013 the Pan-Armenian Environmental Front addressed an official enquire to the Ministry, where in addition to other documents presented, it requested also to present the copies of protocols of the examinations on "Deno Gold Mining Company" CJSC carried out by the State Inspection of Energy and Natural Resources Ministry. The mentioned documents were not presented due to them being extensive; instead it was suggested to get acquainted with them in "Environmental Expertise" SNCO.

Another issue of the spheres is the loss of renewable natural resources (forest, water, soil and other). In accordance with their market value, the economic evaluation criteria of the nature protection damage caused to the environment due to the economic activities is not defined. The renewable natural resources for the management of the soil are provided to the mining company not with their market price, but with their cadastre price, as a result of which the payments for those natural resources is set extremely low[106]. While, the legislation shall clearly define the institute and methodology of economical compensation to ecological damage, which based on scientific calculations will consider the damage caused to nature.

Based on the current volume of mining industry the current issue is the safe disposal of industrial waste through management in compliance with their international criteria, while today the aforementioned issue does not have proper legislative regulation. In addition, for non-hazardous waste by the mountain mining legal entities 0 AMD rate is defined[107]. The legislative requirements aimed at the management of the tailing dumps are not often preserved by the businesses, and the state control over these activities is not proper.

Another current issue related to the nature protection is the management of water resources, which has a direct impact on the health condition of the society and for the provision of normal living conditions. There are water industries, agricultural and household pollution, a significant reduction of water resources, aquatic ecosystems degradation serious problems.

[106] For example, Armenian Copper Program based on the mineral resource extraction project assessed Shnogh river near Teghut mine 175 000 AMD, and for the ecosystem of the destructed forest only the price of the wood in accordance to the penalty rate defined for illegal felling.

[107] The RA Law "On Rates of Environmental Charges"

For many years the fishing farms in Ararat Valley illegally exploit the wells, as a result of which water resources has significantly reduced. In accordance with the studies of environmental organization existence of such wells in Ararat Valley has caused a significant decrease of irrigation waters, as a result of which the state responsible authorities periodically raise the issue of the necessity of additional water outlets from Sevan Lake, which can have a negative impact as the frequent fluctuations of the lake level can cause to the water logging and to the distortion of ecosystem[108].

An important environmental issue is also accessibility of justice, the requirement of which is directly derived from the provisions of Aarhus Convention[109]. Back in 2006, based on the application on Dalma Garden, the conclusion of the Compliance Committee functioning under Aarhus Convention suggested that the RA Government undertake relevant practical measures in order to ensure accessibility of justice, including the effective and proper measures to challenge legality of any decision regulated by the Article 6 and 7 of Aarhus Convention. To this issue with its N ՍԴՈ-906 decision of 07.09.201 referred also the RA Constitutional Court, recording that "in some countries, the main eligibility criterion to allege an administrative law suit is "legal interest". The latter in the judicial-legal practice has received so many broad comments, that the non-governmental organizations or other unions acting on the civil initiative and according to law have the opportunity with the collective protection of the rights of certain group, if that protection is within the specific objectives of that organization. Such position, in essence, is also expressed in the judicial practice of the Republic of Armenia[110]." So, based on the cassation complaint presented within the framework of the N ՎԴ/3275/05/09 case on Teghut mine development, the RA Court of Cassation, referring to the N ՍԴՈ-906 decision of 07.09.201 of the RA Constitutional Court, made a decision dramatically contradicting its pervious decision[111]. While, the RA Constitutional Court in its 2012 report of the implementation status of decision referred to the decision of the Court of Cassation restating its legal position on it,

[108] Currently, the draft of increasing the Water Outlet from Sevan Lake is in the National Assembly, according to which the water volume should be 170 mln sq. /m instead of 240 mln sq. /m.

[109] Article 9 of Aarhus Convention reads as follows: Each Party shall, within the framework of its national legislation, ensure the opportunity to challenge substantive and procedural legality of any decision, act or omission (which violate the provisions of national legislation on environment protection) accepted by independent and impartial body, ensure accessibility of judicial and administrative procedures, establish relevant mechanism to ensure this right.

[110] In particular the RA Court of Cassation in its N ՎԴ/3275/05/09 decision of 30.10.2009 expressed the following legal position "Within this case the "Ecodar" environmental NGO is considered to be in "interested" party according to the Aarhus Convention , therefore, enjoys the judicial protection rights of nature protection derived from the statuary objectives of that organization"

[111] Taking into consideration the fact that according to the RA Legislation the person whose rights was violated by the
Given the fact that the RA legislation intends that only persons whose rights were whose rights were violated by the challenged act, action or inaction directly are entitled with the right to apply to court, the Court found that the challenged legal act is grounded and is stemmed from the legislation aims.

that "… the NGOs are provided with the opportunity to protect the rights of a specific group, if that protection is within the specific objectives of that organization" and protocoled that "… the RA Administrative Court, as well as 01.04.2011 RA Court of Cassation, incorrectly interpreted the legal position on the judicial legal subjectivity of the NGOs of the RA Constitutional Court expressed in N ՍԴՈ-906 decision, with depriving the latter of their right to apply to court on matters arising from their statutory objectives." Nevertheless, those legislative guarantees, which will grant the NGOs with judicial legal subjectivity within the framework of the legal positions of the aforementioned RA Constitutional Court decision, are not yet defined[112].

112 Other environment protection issues in details available at the Ministry of Nature Protection Chapter.

RIGHTS OF PEOPLE WITH DISABILITIES

In 2010 the RA has ratified the UN Convention on the Rights of Persons with Disabilities based on which in 2012 the RA Government presented its first report on the implementation of the Convention. Parallel to that the RA Human Rights Defender in cooperation with "National Disability Advocacy Coalition developed an alternative report on the rights of persons with disabilities in Armenia.

Despite the stipulated legal guarantees, in practice the persons with disabilities are not effectively protected, and the laws functioning in RA do not anticipate effective mechanisms for the prevention and elimination of discrimination.

The measures undertaken by the State do not effectively solve the issue of unemployment among the persons with disability. In accordance with the USA State Department report[113] 90 percent of persons with disabilities who were able to work were unemployed. Although certain measures[114] were undertaken towards this issue, the projects implemented by the State in the context of unemployment of persons with disabilities were not effective. As a result of monitoring of the RA Human Rights Defender and various NGOs conducted in different years it was revealed that in accordance with the state project of salary compensation the employees who recruited a person with disability after the contract expiration, in a number of cases, fire from the job and sign employment agreement with another person with disability so as to receive financial privileges. In this regards it is very important the introduction of quotas in the workplace[115], it is welcoming that by the RA Law "On Employment" adopted in 2013 defined the mandatory standards (quotas) of work[lace for persons with disabilities, which will come in force for the state sector in 2015 and for non-state sector in 2016. The legislative regulation for considering the person with disability unemployed was of concern, which was corrected by the RA Law "On Employment" that came into force starting from January 1, 2014. Thus, in 2014 in accordance to the RA Law "On Population Employment and Social Protection in Case of Unemployment", the State Employment Service terminates unemployed status of the person, if the latter has been considered a person with disability, and, thus, cannot receive unemployment pension. This results in discrimination on the basis of disability, as a result of which the social protection right of the person with disability is violated.

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113 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220251#wrapper

114 In 2013 with the mediation of State employment Service of the Ministry Staff 200 persons with disabilities were employed, 179 of which as a result of employment state projects.

115 Details available in the Ministry of Labor and Social Rights Chapter.

Necessary steps are not conducted to make the physical environment accessibly for persons with disabilities: buildings and construction, public transportation means, streets, court buildings, penitentiary institutions, public places continue to remain inaccessible for the latter. In the sphere of urban construction often the construction norms stipulated by the RA legislation are neglected. In parallel, not sufficient measures are undertaken towards making the already constructed buildings accessible. Despite the fact that the Urban Construction State Inspectorate of the Ministry of Urban Development in 2013 conducted inspections on the requirements of accessible urban construction environment for persons with disabilities in the stages of architectural design elaboration, testing and their coordination and recorded violations, the issue of inaccessibility for the persons with disabilities of the built and reconstructed buildings remained. Thus, the measures undertaken during the reporting year were not sufficient enough for the accessibility of buildings and constructions. As a result the inaccessible environment limited the rights of the persons to employment, education, health and other rights. The list of measures for accessibility by the competent authorities of the sphere is often considered and limited to the construction of ramps overlooking the construction necessary indoor facilities, installment of appropriate signal lights, roads adjustment and other measures. The issue of the accessibility of public transport both in Yerevan and in regions is crucial. In 2012 Yerevan Mayor Office imported from China 66 autobuses inaccessible for persons with disabilities. Based on the 2013 action plan of the Yerevan City Committee on the Issues of Persons with Disabilities it was anticipated to make accessible 10 of those autobuses by installment special elevators, however it was not implemented. We would like to remind, that the RA Law "On Social Protection of Persons with Disabilities in the RA" does not permit of development and production of transport means if they are not adapted for the accessibility and usage for the persons with disabilities.

The RA legislation defines a list of specific illnesses, in the existence of which the right of persons to adopt a child is limited. The illnesses included in the list often bring to disability, as a result of which the right of the person with disability defined by the UN Convention on the Rights of Persons with Disability (Article 23), which is referred to the child adoption institute, is violated.

Currently majority of the 117 inclusive education schools[116] in the sense of building accessibility are not adapted for the children who require special conditions for education, there are also issues in regards to the professional knowledge and skills of the teachers, as well as in the sphere of relevant attention towards the children. Numerous schools where children with disabilities are educated lack to have minimum adaptability, which sets additional obstacles for the education and social inclusion of the child.

[116] The list of inclusive education schools http://www.edu.am/DownloadFile/349arm-nerar-cucak-yst-marzeri-2013.pdf

Despite some positive steps towards making elections accessible for persons with disabilities, the adaptability of majority of precinct centers remain unresolved[117], which limits the right of the person to election. Besides, The RA Election Code does not anticipate the electoral right of the persons who are not in medical institutions, however due to disability cannot partake in the elections.

Persons with disabilities are still not fully integrated in the social, political and cultural life in Armenia, which is resulted also by the discriminatory approach of the majority of the society and the stereotypes in regards to the disability. In this regards the most vulnerable are children and women with disabilities, they are more often subjected to physical, psychological, sexual abuse. The three-level system of children protection does not effectively function. Relevant measures are not undertaken to develop in Armenia the foster family institute as an alternative to orphanages. And the children living in orphanages face serious social issues. Moreover, girls with disabilities more often face discrimination and unfriendly attitude of society, the difference between the sexes are more evident in RA Marzes. In accordance with the UNICEF research, girls with disability relatively more are taken to the orphanages, and the parents of the girls relatively less visit them than boys. Girls are more inclined to drop out of schools than boys[118].

In accordance with the date provided by the RA Ministry of Labor and Social Issues in 2012 40 out of 75 adopted children (35 of which had health problems) were adopted by foreign citizens. During 2013 based on the centralized data only 33 children with illness or disability were adopted from orphanages. This data testifies that the adoption of children with disability is often done by the foreign citizens. Moreover, during the monitoring visits of the RA Human Rights Defender Institution it was revealed adoption of children with disability by the RA citizens, as a tendency, is not carried out. Thus, it is necessary to introduce the practice of complex steps towards the adoption of children with disabilities by the RA citizens. The lack of transparency in the activities of relevant authorities of adoption sphere is of concern also.

According to the UNICEF data 72% of the children with disabilities who live in orphanages do not go to school. According to the same study only 5% of the children with disabilities living in orphanages go to secondary school, and 23 % go to special schools. The main reason for children not going to school was stated that parents consider that the child cannot be educated at school. In Marzes the parents of 51% of children not going to school think this

[117] http://www.osce.org/hy/odihr/elections/91962; http://www.osce.org/hy/odihr/elections/101982
[118] "Speaking of Inclusion" UNICEF, 2012 http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf

way, in Yerevan 36 %. Very few state kindergartens are ready to accept children with disability, the main reason of which is the lack of professionals (do not have relevant funding to have the experts). Kindergarten buildings are not adapted for the children with disability, and the staff does not undergo trainings on the peculiarities of working with children with disabilities. As a result, only 35 % of children with disability go to kindergartens and in rural areas only 27 %[119].

There are crucial issues in the care and social protection intuition for the children with disability. Kharbert specialized orphanage, where children with grave mental and physical disabilities live, is provided only for children up to 18 years, however in accordance with 2013 data about 100 persons up to the age of 35 live there, due to not obtaining living place from the state. There is overpopulation in the orphanage: new children are being accepted however there are no graduates. The issue of care provision and protection of the children with disabilities in the boarding and special schools remain of crucial concern[120]. The 2013 concluding observations on Armenia of the UN Convention of the Rights of Children states that children with disabilities remain in the care institutions even after they graduate as no systematic solution is provided by the State, instead some are placed in mental health hospitals. The Committee suggested that the State ensures that children with disabilities receive adequate support even after graduating from the care institutions and that they are included in their community[121].

Persons with disabilities enjoy the right to receive drugs free of charge or at reduced prices, however the RA Human Rights Defender received numerous complaints on not provision of medications to the citizens, provision of lower price and lower quality medication instead, insufficient provision medication. In most of the cases, the reason for that is the drug purchase procedure enshrined by in the current legislation. Majority of medical institutions, especially in Marzes are not adaptable for persons with mobility problems[122].

The issue of integration of persons with mental health problems into the society is of concern. The State does not undertake relevant measures towards the provision of care and social services to persons with mental health problems, their integration and immunity to freedom. There are serious problems associated with stationary conditions of keeping of persons with mental health problems[123], as well as with the proper quality of drugs provided

[119] See the same place.
[120] Details available in NPM Chapter
[121] http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ARM-CO-3-4.pdf
[122] Details available in Ministry of Health Chapter
[123] Details available in NPM Chapter

to them free of charge or on privileged conditions, based on which numerous complaints were received, however complex and effective measures were not undertaken to resolve that issue. It is important to mention that local production low quality and low efficiency of psychotropic medication was also raised by some psychiatrists during the NPM monitoring conducted to the psychiatric institution.

Four years after the ratification of Convention the interstate legal acts related to the persons with disabilities are still not in compliance with the terms defined by the Convention, as well as the State failed to establish an independent mechanism envisioned by the Convention that would oversee its implementation.

RIGHTS OF WOMEN

Although the principles of equal rights and equal opportunities for men and women, and prohibition of discrimination on grounds of gender are stipulated in the Legislation of the RA, there are still cases of hidden discrimination against women in Armenia, the bases of which are the traditional perception of men and women's roles preserved by the society, the actually unequal opportunities for implementing women's rights, effective legal mechanisms aimed at nondiscrimination, the lack of effective monitoring mechanisms.

Although the law of the RA on "Equal Rights and Equal Opportunities of Men and Women" (hereinafter the Law) was adopted in 2013, in the condition of the lack of specific events and projects for implementation of the Law, the defined regulations themselves cannot have any effective influence on ensuring real equal rights for men and women.

The term "gender" defined in the Law aroused different perceptions and interpretations among the public, which led to the distortion of the common goal to ensure real equality of men and women. It was followed by the amendment of the RA draft law about changes in the RA law on "Equal Rights and Equal opportunities for Men and Women," which became the subject of heated discussions both in the political circle and among general public.

In the context of these discussions certain forms of pressures and threats were recorded against organizations defending women's rights, especially "Women's Resource Center" NGO, which we consider extremely negative and reprehensible, because such phenomena and lack of a proper response by competent authorities can jeopardize the functioning of human rights organizations in the Republic of Armenia.

In the context of gender discrimination, the issues on sex-selective abortions have systematic nature, which is a type of discrimination against women as a result of which parents get rid of still unborn girl babies. According to the official data of National Statistical Service of the RA, the sex ratio at birth has been compromised since 1991, in 2012 the ratio was 100 girls

against 114 boys, while 100 girls against 102- 106 boys is normal. According to the survey implemented by UN Population Fund 1400 girls annually are not born in Armenia. Aiming to continue the dynasty and due to the fact that boys are economically and socially more mobile, the reasons for this phenomenon can be giving preference to boy babies, availability of advanced sex selection technologies, as well as the decline in the birth rate. In order to prevent fetal sex selective abortions, a coordinated policy needs to be implemented aimed at providing effective legislative regulations, raising public awareness activities focused on social policy and the abovementioned issue, as well as individual work with specialist of the field and future mothers.

Domestic violence continues to be an acute systematic problem. According to the official results of the Police of the RA, 580 cases on violence against women were recorded in 2013. During the first nine months of 2013, NGOs registered 3 death cases of women caused by domestic violence, as a result of which 6 children were left without parental care. There is no complete statistics of domestic violence, as there is no information of other types of violence; on the other hand, women very often refuse to speak out about violence against them because of mistrust towards state authorities, as well as because of shame, fear and other reasons. Domestic violence does not comprise legal regulation. 2011-2015 Strategic Plan against gender violence provide the fulfillment of obligations defined by UN Convention on "The Elimination of All Forms of Discrimination against Women", main assignments of Beijing Conference, in line with the international documents ratified by the Republic of Armenia, including the approximation of national Legislation with international obligations, in particular including the concept "domestic violence" in Legal Acts. In 2013, the RA draft law on "Domestic Violence" was presented to the Government, but the adoption of such a law was considered inappropriate. The Prime Minister instructed the Ministry of Justice and Ministry of Labor and Social Affairs to ensure the use of prevention and response mechanisms against the types of domestic violence within the scope of legal and judiciary reform project. It is noteworthy that in 2009, in its final conclusions about the

RA, the UN Committee on the Elimination of Discrimination against Women expressed its concern over the lack of specific legal regulation on domestic violence and called on providing legal protection measures in special legislative regulations on violence against women and victims of violence.

Women also face discrimination during the implementation of labor rights. Although the majority of higher-educated people are women, the unemployment rate among women is rather high. In December 2013, 41.300 out of 56.000 officially registered unemployed people were women. The reason for such statistics are the stereotypes on the role of women in the family and in the society, unequal opportunities and conditions for men and women to exercise labor rights, discriminatory attitudes towards women and the fact of being overloaded with family problems. There are no effective state projects and clear mechanisms to ensure employment among women, which can prevent discrimination against women when applying for a job, detect cases of sexual harassment at workplace ensuring adequate defense.

Women do not perform active participation in political life; they are not sufficiently included in decision-making of state government, there are no programs encouraging their involvement in politics, and ensuring participation in political activities. Despite some changes in the legislation, women's participation in political life, in some cases, is of formal character, the reason for which is the mistrust towards women and their low self-esteem, presence of stereotypes on men's role in political sector, the shortcomings in electoral process.

According to the data of the Prosecutor General of the RA, in 2013 decrease of trafficking cases is recorded, and the Republic of Armenia was ranked among the first group of countries by the USA State Department, which means that anti-trafficking operation was targeted. Now the draft law on "Identification and Support for People Exercised Trafficking or Exploitation" is in the process of development. However, as the Republic of Armenia is

considered to be the origin country for trafficking, planning effective measures for the prevention of this phenomenon is vital. Despite the progress made in this sector, still there are lots of conditions contributing to the emergency of this phenomenon, such as poverty, unemployment, hard social conditions, and lack of sufficient public awareness. There are some problems associated with the identification of victims of trafficking, as they often do not realize their status or avoid public reaction. Therefore, the actors of this sector must carry out systematic activates aimed at increasing public awareness and provide effective programs on social integration of victims.

There are some problems in the field of women's higher and postgraduate education, though comprehensive education in state educational institutions is free of charge. Very often women in rural areas refuse to get higher education because of hard social conditions, early marriages and carrying the burden of social problems in the family. Such cases form the public attitude to the women's role in the society, which are reflected particularly among the representatives of national minorities. There is also discrimination in the sector of ensuring postgraduate education, when they give preference to males for free education taking into consideration the opportunity of extension from compulsory military service.

There are some problems in the sector of implementing women's healthcare rights. There are especially vivid in regions, where the level of women's public awareness is low and women do not have sufficient knowledge on the protection of reproductive health and its importance. On the other hand, taking into account migration rates of men, nowadays, women are more vulnerable to sexually transmitted diseases. During 11 months of the current year 52% of registered HIV patients were infected abroad, and about 23% were their partners, that is, in 75% of cases there is the factor of migration. So it is needed to go on implementing systematic activates aimed at increasing public awareness among men and women, take measures for development and recruitment of professional resources in the medical institutions in regions, reduce family planning trends through abortion.

There are numerous problems in the field of disabled women. Health care services cannot be considered available for the latter, as the conditions of most of the medical institutions are not adjusted for people with disabilities, the same refers to educational and cultural institutions. High rates of unemployment among people with disabilities have their direct influence on the issue of providing employment for disabled women. It is essential to take more effective and efficient measures to tackle the problem on disabled women's unemployment, in particular provide equal opportunities for implementing all rights.

RIGHTS OF CHILDREN

In 1992 Armenia joined the Convention on Children's Rights, ratified other important international documents, such as: two Optional Protocols to abovementioned Convention on "Child on the Sale, Child Prostitution and Child Pornography" and "Involvement of Children in Armed Conflicts", the 182nd Convention of International Labor Organization on Child Labor, and many other international treaties. According to these, a number of reforms have been carried out in the Legislation of the RA. 2013-2016 national action plans about the defense of Children's rights have been developed. In spite of envisaging all these regulations, however, there are lots of problems in the field of children's rights, which are caused by the lack of ineffective mechanisms on law enforcement, providing necessary financial and other resources, problems in legal implementation practice.

Child begging is one of the child protection issues. Socially vulnerable families often force their children to beg, this way making them more vulnerable to violence, depriving them of education and adequate living conditions, endangering their lives, health and natural development. Though special operating groups have been created in order to prevent begging and vagrancy, 3 centers are now functioning, which take care of vagrant and beggar children, some measures are taken aimed at detection and protection of such children, however the issue still needs to be solved. There are no long-term projects, which can perform even daily activities with such kind of children and families; there is no effective cooperation with all those state authorities, who are responsible for the protection of children's rights. Effective measures are not undertaken to detect and support beggar children in the regions, in case, when socio-economic problems there are even tenser. Measures are not taken to increase public awareness on preventing those activities which lead to begging.

The process of deinstitutionalization of orphanages is not carried out effectively, which was considered to be priority in 2011. Though some measures have been taken, some care

institutions are reconstructed, child's right of living in the family has not been ensured efficiently so far. In line with number reduction of children in orphanages for children without disabilities, the number of children in specialized orphanages is rising due to the lack of family support and deficiency of family-based and community-based alternatives. Very often, children with disabilities stay in care institutions even after finishing it, because of the lack of residential conditions and lack of projects and conditions supporting complete social integration, and, in some cases, children with mental disabilities are sent to psychiatric hospitals.

In order to ensure child's right to a family life, in 2007 the investment project in foster families financed by UN Children's Fund marked the beginning of implementation. In 2012 RA Government took this activity under its control, but so far budget allocations were not provided for increasing the number of foster families. The fact on the lack of increase in the number of foster families is closely related to the factor on the lack of public awareness and the use of effective and targeted measures.

Nowadays there is also a problem connected with children adoption process. It is regulated by the RA Government Decision No 269 of March 18, 2010, defining the procedure of adoption. The calculation of the children put up for adoption is made by the staff of province administration (in Yerevan- Yerevan Municipality) of the region the child is currently living, with the help of protecting the rights of structural units, such as: families, women and children, which are under their jurisdiction. It must be mentioned that there are some shortcomings in the implementation of this process. In particular, the selection criteria of adoptive parents are based on their financial conditions, instead of their parenting skills. One more problem is connected with the transparency of this process. In 2013 UN Committee on the Rights of Child, making final conclusions, expressed its concern over this issue, stating that the protection of private confidentiality of the entities involved in the adoption process is used to justify the restrictions on the monitoring of adoption process. In connection with

this, effective mechanisms are to be created to ensure implementation of independent monitoring of adoption process, as well as to set clear criteria and procedures for adoptive parents, which would be based on such conditions enabling the child to live in a safe and healthy environment.

There is no practice of adopting children with disabilities by the citizens of the RA. As a result of monitoring visits made by the Staff of the Human Rights Defender of the RA, it became clear that, as a rule, adoption of children with disabilities by the citizens of the RA is not implemented. There are no financial privileges, sufficient financial support to meet special needs of children, restorative and care services to encourage adoption of children with disabilities. Sufficient activities are not implemented to increase public awareness of the society on their attitude with adoptive disabled children.

There are still cases of not registering births of children in Armenia, which the Human Rights Defender dealt with during his actions. The reasons are different: the absence of personal identification documents of the parents, home births that are not registered later, because parents do not realize the necessity of it, and so on. The absence of child's birth registration later brings to a number of limitations on issues like getting use of health services and social support, attending pre-school and school institutions, implementing the right to freedom of movement. Today the Republic of Armenia doesn't have common statistical data on children who do not have a birth certificate, which makes it much more difficult to identify such cases and provide parents with sufficient support.

Gaps in the legislation, as a result of legal practice as well as serious problems on the protection of children's rights that appear in case of disputes between parents. There were recorded a number of cases when according to the court decision the child's care was handed to one of the parents, however, the staff of the Compulsory Enforcement Service of Judicial Acts does not provide implementation of Judicial Acts. Clear legal regulation needs to be performed on the cases, when there is no relevant decision of the court on handing child's

care to one of the parents, but one of them does not let the other meet the child. In such cases, they often refuse to include the Guardianship and Custodian Bodies in the process of tackling these issues, claiming that they have no sufficient power, nor they include the Police - explaining that parent's actions cannot be qualified as kidnapping, and the Article 167 of Criminal Code of the RA on illegal separation or changeover of children from parents, is not applicable in this case.

There would not be a number of issues on protection of children's rights, if the Guardianship and Custodian Committees taking measures with families and especially directly with children, effectively operated in the communities. The state put more than 4 dozens of functions on abovementioned committees, which are extremely important for child's rights and interests, implementation of which requires professional capacities and adequate resources, while the Guardianship and Custodian Committees are operating on public basis, and the involvement of social workers in those committees has a discretional nature.

There are a number of problems connected with organizing children's pre-school and school education. Measures were not taken to effectively solve the problem of overloaded pre-school institutes. Although the number of children in the groups is possibly adjusted to the requirements of legislation, the problem of organizing pre-school education of children involved in lists did not receive practical solution yet, these children may stay in these lists for a long period of time, up to getting to school age. The Ombudsman raised this issue in 2012. The Municipality of Yerevan provided information about implementation of inventory activities to solve the problem of giving back the areas belonging to kindergartens, which were rented by other organizations. Two years later, however, we can state that the Municipality did not take effective steps to solve this problem.

The existing high rates of child poverty today in Armenia have their impact on exercising the children's right to education. A number of children from socially vulnerable families do

not attend schools because they do not have stationary supplies, clothes and other necessary things. There are cases, when parents do not allow them to learn in order for them to work and contribute in any way to family's survival. The issue is tenser in regions. So we must note that though some measures are taken, the problem cannot be considered completely solved. In order to make the process of identifying and supporting children dropped out of school more effective, it is necessary to form effective partnerships between agencies responsible for child care and protection, as during the Ombudsman's activities, such cases, when children dropped out of schools were revealed, and agencies responsible for child care and protection did not know anything about that problem.

Another obstacle for ensuring right to education is building conditions of a number of schools, which are often dangerous for the life and health of children. In response to the Ombudsman's letter, the Minister of Urban Development of the RA informed that 1100 schools out of around 1500 schools need renovation, 589 educational institutions of which are primary. Construction works are planned to be carried out in 52 educational institutions in 2014, so although some steps were taken by the state, still we cannot expect final solution to the problem.

The Juvenile Justice system is not implemented in Armenia yet. There are also problems concerning juvenile convicts' right to education. In a number of cases the Ombudsman receives complains about mistreatment of juveniles in the Police station, apprehending of juveniles to Police Departments without their parents' awareness, and questioning the juveniles.

Issues on children's rights protection exist in children's care institutions, such as in orphanages, boarding schools and special comprehensive schools. The National Preventive Mechanism of the Human Rights Defender Institution of the RA recorded bad storage and care conditions in this institutions in the frames of monitoring visits there (the roof of No 2 comprehensive school was an emergency, the ceilings and walls were wet). These

institutions are insufficiently furnished (worn-out beds, lack of personal wardrobes, worn-out and broken kitchen furniture and utensil, lack of wardrobes in the warehouses, etc.), playing rooms and rooms for lessons are not properly furnished, and there is also the problem of insufficient lighting.

Security conditions of food storage are rather worrying. For example, as a result of 3 visits to Bjureghavan School, they recorded violations of food storage terms and regimes (dairy product, meat product), even musty, unfit apricot preserves, and in No 1 special public school in Spitak a large quantity of useable but expired vegetable oil. Besides, there is no proper control over the storage of food and household items provided as a charity, as well as over the provision of relevant goods in accordance with children's needs (in No 1 special school for mentally restricted children in Spitak, children were provided with expired toothpaste).

The problem of ensuring health through the provision of healthcare is somehow problematic, as the medical staff in observed healthcare institutions has no clear functions and standards, as a result of which it is difficult to assess their work (there are expired medications available, separate isolation rooms in some medical institutions are not used in a targeted way). Moreover, some problems are caused because of organizing proper consulting by specialized doctors, as the medical services for children are implemented according to their places of residence, but very often that institute is located far from their places of residence (children come back home on weekends, when local aid station does not work, and medical facilities servicing the area of the school refuse to provide medical services to children because of the absence of relevant agreements).

There are some problems on lack of proper control over assessing medical, psychological, pedagogical needs and individual approach to children, as a result of which, those children study in special comprehensive schools, who have no problems of mental development and can attend common schools.

DISCRIMINATION AND TOLERANCE

All the international documents concerning Human Rights contain fundamental principles of non-discrimination and equal rights. Both according to the legislation and in practice, besides any type of discriminatory manifestations the states must take effective steps aimed at integrating different groups and promoting tolerance in the society. In the context of creating equal opportunities and equal conditions and enhancing tolerance, the attention of international community was traditionally on protection of more vulnerable groups of the society, such as national, religious and sexual minorities, as the danger of being discriminated by the majority of public is much greater.

1. According to the census data of 2011, the total population of Armenia was 2.773.266 people, 2.721.414 of which were Armenians, 31.600 were Yezidis, 11.179 were Russians, 2.528 were Assyrians, 1.894 were Kurds, 1.137 were Ukrainians, 849 were Greeks, 593 were Georgians, 447 were Iranians, 1533 were of other nationality, 92 refused to answer. Belarusian, Polish, Jewish and German communities still live in Armenia.

Coordinating Committee of National Cultural Organizations for National Minorities in the Republic of Armenia received state grants of AMD 10 million formerly, which later became 20 million, however 10 million was contributed among 11 communities though the communities have different needs depending on their size. And the other 10 million was allocated to the communities as an additional funding for meeting the needs for their initiatives and events. The minorities which have statehood get some support from the state they ethnically belong to, for example the Russian, the Greek, the Polish and many others.

Although national minorities have their community schools in their compact residential places, where they learn their national languages, there are no pre-school institutions on their national languages. In separate communities the level of children's education is very low, and among the girls, depending on their traditions and customs, often meet cases of

early marriages, as a result of which children drop out of educational process and do not attend schools.

Russian-speaking communities, such as Russians, Belarusians, Ukrainians and others, living in Armenia constantly express their dissatisfaction on the fact that, their names and surnames in their birth and marriage certificates are written according to Armenian grammar rules, which does not correspond to Russian language rules and transcription. As a result they meet some problems in translating their documents into other languages, as their Middle names are written according to Armenian inflection rules. The state needs to take measures on regulating this problem.

The schools belonging to national minority groups have strong need for specialists of their languages, as well as low level of the qualification of specialists.

According to the analysis of applications addressed to the Human Rights Defender by the representatives of national minorities, it became clear that violations of their rights, if that happened, were mostly of common nature, and had no connection with their national or ethnic origin (such as housing problems, difficulties encountering in the field of social services, complaints on judicial acts made by the judicial authorities of the Republic of Armenia, etc.). The majority of these complaints are related to the socio-economic situation of the country that requires global solution. Similar complaints were presented to the Defender by native Armenians.

2. According to the census data of 2011, the followers of Armenian Apostolic Church are the majority in Armenia, and then according to their number dominate the followers of Evangelical, Catholic, Jehovah's witnesses, Orthodox church/organization.

Public's attitude toward the religious minority organizations and its members continues to be negative, and very often even intolerant. These religious organizations are called "sects," which has a negative meaning and are perceived as a deviation from the main direction, which, as they claim, split the nation, spread denationalized values, endanger national security, etc.

On the other hand, it is rather worrying that separate groups acting in Armenia, performing pressures on citizens, presenting false information about them and misleading the citizens, target to the representatives of most socially vulnerable groups of people to replenish their ranks. Besides, such groups allocating material/social advantages under the name of support, make use of social and material dependence of the individual in order to involve them in their group. The reason for misleading the citizens is the lack of these citizens' awareness on the activities of such groups. In order to prevent such phenomenon, there is a need to provide an unambiguous definition of the term "proselytism" /improper proselytism/, which will enable, on the one hand, to protect citizens from the negative influence of such groups, and on the other hand, not to limit their right to freedom of conscience and disseminating their own beliefs. Such a definition is provided in the draft law on regulating Law for activities of religious organizations processed by the Ministry of Justice of the Republic of Armenia.

Another problem is that some representatives and followers of the church representing the majority of the population, in some cases spread intolerance towards other religious organizations aiming to keep the followers of Armenian Apostolic Church and to include new members. While, the most effective way to involve followers is the proper behaviour of the clergy representing that church and the relevant social activism of that very church.

Intolerant attitude and hateful calls towards different religious organizations is often elucidated by mass media, introducing the latter as a threat to national security. In this regard, necessary measures have not been taken to eliminate discrimination and ensurre equal rights, as well as to exclude intolerant and hateful calls by mass media.

Numerous complaints have been received that the representatives of different religious organizations constantly visit citizens' houses to preach their beliefs, which, in some cases, turn to persecution and pressures. This issue is still not regulated by the legislation as well.

The conditions of alternative military and alternative labor services have been reformed, which is a significant progress in the implementation of international commitments. As a

result of the legislative changes of the RA Law on "Alternative Services" in 2013 the duration of alternative military services was reduced to 30 months, and the duration of alternative labor services was reduced to 36 months, which is proportionate from the view of Human Rights and meets the international norms, that is, the terms of alternative services should not exceed the military services more than one and a half times. Besides, the conditions of alternative labor services have been clearly defined, which concerns to those people, whose religious beliefs and convictions contradict the military services in general. Moreover, military control cannot be set over the alternative labor services, which meet the requirements of European Convention on Human Rights and Fundamental Freedoms ratified by the RA.

A number of human rights defenders expressed their concern on the biased nature of the subject "Armenian Church history" taught in public schools. In particular, Armenian Apostolic Church has the right to participate in the elaboration of training program and textbooks of the abovementioned subject, and define criteria for selecting the teacher for this subject. In this respect, it is necessary to take steps aimed at spreading tolerance towards various religions and beliefs in public schools, as well as to publish and spread Toledo's Guiding Principles among the teachers and specialists of the field in public schools.

Yerevan Municipality and some other communities took measures to eliminate leaflets full of hateful calls posted in the streets, where certain religious organizations are targeted and calls are made to fight against them.

Negative attitude towards sexual minorities continues to dominate in the society, observing homosexuality as a disease, while since 1990 the World Health Organization (WHO) does not consider homosexuality to be a disease. The homosexuals are often isolated from the society, exposed to stigma at workplace, in educational institutions, penitentiaries and in other institutions. And those homosexuals who revealed their identity and sexual orientation avoid compulsory military services, usually on the ground of psychic health problems.

A number of transgender people were regularly engaged in prostitution and performed sexual acts in the area of Children's Park named after N.Stepanyan in Yerevan (more commonly known as Komaygi). This illegal phenomenon itself presents double danger; on the one hand, the lawless acts held in the Children's Park have not been prevented because of inactions of the Police and Yerevan Municipality, which endanger public's health and morality; and on the other hand, the ongoing lawless actions give rise to homophobia and strengthen already existing negative stereotypes towards sexual minorities.

RIGHTS OF REFUGEES

The Republic of Armenia is a member state of the 1951 Convention and the 1967 Protocol on the Status of Refugees. The Republic of Armenia also joined the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The RA Law on "Refugees and Asylum" was adopted in 2008, which, in fact, meets the requirements of the international documents ratified by the state.

However, the refugees continue to face serious social problems in the Republic of Armenia. The housing problems of the refugees forcibly deported from Azerbaijan in 1988-1992 have not been tackled so far. Although in the current year in accordance with the Decisions of the RA Government, 20 refugee families were donated with the residential areas they were occupying, and 64 families owned their residential areas in the shelters of "Shelters" SNCO, according to the official data, now 924 refugees forcibly deported from Azerbaijan, who live in the Republic of Armenia, have the primary need for a residence. Since 2009, the State budget has not provided funding for ensuring these families with houses.

Besides those people having the primary need for housing, there are a great number of refugees living in rent houses or other places, the solution to their housing problems was not provided according to the primary program of ensuring houses for the people deported from Azerbaijan. Moreover, many refugees live in the shelters, where the residential conditions are, in some cases, in emergency, lacking elementary household conditions. So, even 25 years after the deportation, these people often face the problem of ensuring the elementary living conditions.

In 2013, 320 foreigners referred to the State Migration Service, 290 of which came from Syria, and 226 of them were recognized as refugees and got asylums. In order to support Syrian-Armenians who arrived in Armenia, the state took certain measures in connection with ensuring citizenship, permission to work, provision of loans to perform entrepreneurial

activities, free medical care and opportunities for education. In 2013, at the meeting with the Ombudsman, Syrian-Armenian refugees mainly raised the employment problems due to lack of vacancies, as well as, in case of being employed they raised the issues on low remuneration,117as a result of which they were not able to leave the asylums and to take care of their needs themselves.

From the view of ensuring the rights of the refugees, there is a danger related to the cases of placing in the shelters those refugees who are not under the control of "Shelters" SNCO. According to the existing legislation legal regulation is nor envisaged for such cases, which lead to certain constrains for implementing complete control over ensuring the latters' rights. Therefore, it is necessary to provide some regulations for the state and the NGOs providing the refugees with shelter, defining mutual rights and responsibilities and ensuring the implementation of control mechanisms for protecting the rights of those refugees who live in these institutions.

The next problem is related to the issue on the implementation of refugees' socio-economic rights. According to the RA Law on "Refugees and Asylums", the refugees have the rights, equal to the rights of Armenian citizens, on acquisition of movable property, renting immovable estate, searching a job and working, performing entrepreneurial activities, general education, and social and medical services, but taking into account the fact of being socially vulnerable, the defined legal guarantees are not enough for the latters to be completely integrated in the society.

According to the RA Law on "Refugees and Asylums" Article 51, during the interview on defining refugee status, the State Migration Service must provide interpreters to those asylum seekers who do not speak Armenian well enough, and if the asylum seekers want, they have the right to take the service of another interpreter at their expense. In some cases on provision of translating services certain difficulties arise connected with the use of specialized terminology, awareness of the situation typical to refugees and clarifying their

roles. There were some cases in practice, when during the process of interpretation the interpreter asked the refugee some additional questions in order to understand the content of what is said aiming to present more logical answer, as a result somehow influencing on the process of the interview. In the light of this, it is vital to organize training lessons for the interpreters providing the refugees with translating services.

In the process of refugee status determination, mechanisms on compulsory involvement of guardians is defined by the law for unaccompanied children or children separated from families; however no legal procedure is envisaged for the applicants with mental or other disabilities. Just one case of unaccompanied children seeking asylum has been recorded in Armenia so far, where the provision of authorized representatives was not implemented. This phenomenon is mainly associated with the inefficiency of interaction between the responsible actors participating in the process, such as State Migration Service, the Ministry of Labor and Social Affairs of the RA, children's protection department of provincial governments, the guardianship and custodian bodies. Therefore, it is necessary to determine certain procedures in such cases for ensuring adequate co-operation between the competent authorities, defining special functions and responsibilities for each of them, as well as to determine legislative regulation to the problem of appointing a legal representative for children with mental or other disabilities.

There is no mechanism allocating State funded legal assistance for asylum seekers either in presenting applications or appealing procedures. The number of the lawyers specializing in asylum-related issues is extremely limited, and the costs for their services often exceed the financial capabilities of the asylum seekers.

There are some problems connected with the accessibility of information on the services and support programs for the refugees. The European Commission against Racism and Intolerance of the Council of Europe touch upon this issue in the report about Armenia. In this regard, it is

necessary to take measures on ensuring refugees' awareness about all possible means to protect their rights, taking into account their age, language problems, physical or mental restrictions, etc.

Since the 5th of August 2013, the Human Rights Defender's 116 hotline tablets have been placed in five customs units and passport checkpoints in the RA, and in Zvartnots Airport informative videos are shown. Such an initiative is aimed at informing asylum seekers about the defender's hotline with the help of which the latter can get legal and other supports.

NATIONAL PRIVENTIVE MECHANISM

INTRODUCTION

The Human Rights Defender Institution of the RA, recognized as the National Preventive Mechanism under the Optional Protocol to the UN Convention against "Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (hereinafter National Preventive Mechanism-NPM), in 2013, in line with the Expert Council for the Prevention of Torture adjacent to the Human Rights Defender Institution, made 213 visits to places of detention or limited freedom, including Penitentiary Institutions of the Ministry of Justice (hereinafter PI), Departments of the RA Police and Places of Detention (hereinafter PD), Military Units and Hospitals of the Ministry of Defense, Military Police (hereinafter MP), the Disciplinary Battalion, orphanages, child care and protection boarding institutions, hospices under the Ministry of Labor and Social Affairs, special public schools under the Ministry of Education and Science, psychiatric institutions under the Ministry of Health, institutions under local government (such as psychiatric institutions and child care and protection boarding institutions).

Some institutions have been visited twice or more times. During the visits, the following methods were used for monitoring;

- *Monitoring,*
- *Interviews or private conversations with people or representatives of the administrations staying in the abovementioned institutions.*
- *Review of documents.*
- *Triangularity (comparison and analysis of the information observed as a result of exploration on monitoring, interviews and private conversations and documents)*

- *Study of other sources, including the study of complaints, articles published in the press, observer groups and materials published by international organizations received by the staff of the Ombudsman.*
- *Legislative analysis.*
- *Discussions with the relevant authorities*

NPM visits are conducted according to a prearranged schedule, without warning.

During the implementation of NPM visits, members of NPM face a number of obstacles, such as;

- *Institutions entry obstacles.*
- *Obstacles to document study in the institutions.*
- *Entry obstacles to some places during the monitoring in the institutions.*

Penitentiary Institutions

During the visits to Penitentiary Institutions, NPM experts examined conditions of detention for prisoners, including the problems on quarantine and disciplinary cells, possible manifestations of ill-treatment, health safeguards, communication with the external world and implementation of the right to protection.

As a result of the study of the abovementioned problems, the following issues were revealed:

- In the PIs, as a rule, the staff members, as well as the qualified specialists for psychosocial services, are few.
- There are problems on ensuring coordinated trainings for the specialists of psychosocial services.
- The fact that a psychologist wears a service uniform is problematic, as it causes mistrust among the detainees.

- The paid work in the PIs is available to the few detainees.
- There is a need to implement professional educational programs in the PIs.
- There is an insufficient level of education among the juvenile detainees.
- Libraries of PIs need to be upgraded with books.
- Measures on organizing professional trainings are not enough for the administration.
- There are no favorable working conditions for the administration in the PIs.
- Detention conditions of the detained or convicted people are mainly unsatisfactory.
- The right to walk stipulated by law is not properly supported.
- Food provision is not properly organized in the PIs.
- There is no special type of food for the detainees having diseases.
- As a result of the lack of punishment cells in some PIs, quarantine cells are also used as punishment cells and/or isolation cells.
- The quarantine cells are not in good conditions
- The participation of the doctor in the process of decision making on a disciplinary sanction of moving the detainee to punishment cell is somehow problematic.
- After making the decision on moving to punishment cell, there rises the problem of no proper implementation of medical examination, as well as the lack of corresponding entries in medical records.
- Before using a disciplinary punishment, as a rule, they do not implement comprehensive examination of the reasons for violations carried out by the detainees, nor do they take into account their health status.
- In case of finding a forbidden object, comprehensive and objective investigation is not carried out.

- There is a low level of medical care in the PIs, and in a number of cases they lack necessary medical equipment and medicines.
- There are cases, when the medical documents /deletions, corrections/ are filled out inadequately.
- There are adverse and no sanitary storage conditions in medical units as well as in “Hospital for Detainees" PI.
- In a number of cases people having no serious health problems are moved to both medical units of PI and “Hospital for Detainees" PI.
- There is no proper implementation of external examination.
- The procedures and criteria of the actions of Interdepartmental Medical Committee in PIs are not regulated.
- The transaction of documents of the PIs is incompletely implemented.

Military Units of the Ministry of Defense in the RA

The NPM made visits to military institutions, military police, isolators of the military police, the Disciplinary Battalion and hospitals both in Yerevan and in the provinces.

The following problems were recorded during the monitoring;

- No regulatory relationships between army conscripts in the military units are rather worrying.
- The living conditions in the military units are insufficient, and the storage conditions of the Disciplinary Battalion continue to be extremely problematic.
- There is a problem on ensuring proper medical service in the military units, doctors of the military units are overworking, the absence of a position for a psychologist is a rather disturbing issue.
- Cases of ill-treatment have been recorded.

- Instructions given by the doctors to those soldiers, who have health problems, as a rule, are not implemented.
- There is a problem on improving the quality and uniformity of food: the food storage conditions in the storehouses are inadequate.
- There is a problem of renovating and upgrading medical points.
- The fact that the vaccination is implemented immediately during the levy is rather disturbing.
- In some military units the medical registers are not properly filled in.
- There is a problem of moving the food from the unit's canteen to the aid station for those soldiers who lie in aid stations, as well as there is a problem on developing and ensuring dietary meal plan.
- Sick soldiers' participation in the cleaning process of the wards is rather disturbing.
- Methodical guideline rules for disinfection in military units are in some cases not followed.
- Conclusions made not according to thorough professional examination by the doctor are rather worrying.
- There is a problem on ensuring thermal regime in the medical institutions.
- The procedures of appointment and implementation of disciplinary penalties are rather problematic.
- The lack of the service examination registers in military units is a disturbing fact.
- There is a problem of the violations on the detection procedure of the arrested and detained people and on a wrong way of document circulation.
- There are violations on the procedures of filling and maintaining the registers of isolators.
- The structure of the Disciplinary Battalion is not typical.

Police Institutions

Police departments, detention facilities

As a result of surveys conducted in Police departments and detention facilities the NPM recorded the following shortcomings:

- There are cases of keeping apprehended or invited people in Police departments more than three hours as envisaged by law,
- Cases were recorded on exceeding 72 hours of keeping in detention facilities as established by law,
- Some registers of detention facilities are filled in not in an appropriate way,
- Cases of application of not efficient methods of insufficient provision of food, insufficient conditions of detention, as well as prevention of transmission of prohibited items are problematic,
- In some cases, prisoners' delivery from detention facilities is conducted with a violation of the established order on personal cars of the staff,
- In detention facilities the external examination often has a formal nature,
- In detention facilities there is no position of a medical worker,
- In detention facilities expired medication, medical supplies were revealed which cannot be used by a non-professional,
- Medical examination is carried out not properly,
- There is a gender isssue on supervising women kept in detention facilities,
- To exclude cases of keeping apprehended or invitied people in detention facilities more that three hours as envisaged by law, also cases of exceeding the period established by law in detention facilities,
- To ensure that the registers of detention facilities are filled in properly,
- To undertake measures towards food portions in detention facilities, insuffecient conditions of detention, prevention of transmission of prohibited items,
- To exclude cases of the transfer of prisoners from detention facilities with violation of the established order (by personal cars of the staff),
- To ensure proper implementation of a person's external examination in detention facilities,
- To review the policy of provision of medication in detention facilities,
- To discuss the issue of organizing medical examination in local mediacal institutions with the aim to promote the efficiency of organization of medical examination,
- To ensure also the involvement of women police officers in detention facilities in the territory of the RA for organizing external examination and search when being taken to detention facilities.

Special Comprehensive Schools

As a result of the surveys conducted in special comprehensive schools the NPM recorded the following problems:

- In special comprehensive schools there are no proper conditions for care,
- There is a problem of improper organization of provision of food, storage, service,
- Problems exist on standards of providing necessary food for children as a result of which children often remain partially hungry,
- There is a lack of proper supervision over proper maintenance of food and household items allocated on charitable basis, and if necessary, allocation of respective items to children,
- In special schools the assurance of children's healthcare by means of provision of respective medical aid, is a serious problem,
- There are problems on the issue of application of the mechanism of free mandatory medical service in the places of factual residence of a child,
- The medical aid provided in special comprehensive schools isn't regulated,
- There is a problem of recruitment of specialists who have professional qualifications,
- In special schools children's education is implemented ineffectively,
- There are no registers to record the questionable or confirmed cases of violence towards children or between them (a register for body injuries),
- Not proper organization of children's care in N3 special comprehensive school of Gyumri is a matter of concern.

Institutions of Social Care

As a result of the surveys conducted in social care institutions the NPM recorded the following problems:

- Problems were identified in the observed institutions on unfavorable conditions and improper implementaion of care,
- A problem exists on replenishment of the list of medications,
- The issue of unemployment of people kept in the observed institutions is disturbing,
- In some cases the absence of rampant in the observed institutions is problematic,
- In social care institutions there is a problem of replenishment of the staff and of thir low salaries,
- The availability of expired madication and cases of multiple use of syringes are concerning.

Psychiatric Clinics

As a result of the surveys conducted in psychiatric clinics the NPM recorded the following problems:

- Problems were identified in the observed institutions on non-favorable conditions and improper implementation of care,
- In a number of psychiatric clinics there is a problem of replenishment of the staff,
- In the observed institutions problems exit on proper provision of food,
- Use of deterrence as a means of moral and psychological pressure in some psychiatric hospitals in the presence of other patients is problematic,
- The availability of expired medication, as well as absence of modern psychotropic medications in psychiatric hospitals is a matter of concern,
- The issue of unemployment of people kept in the observed institutions is disturbing,
- The issue of people who are subject to discharge and who do not have anyone to look after them being placed in hospices is concerning,
- The issue of not organizing rehabilitation psycho-social events for people with mental problems and not demonstrating personal approach to each patient is very concerning,
- Patients' walks aren't organized properly,
- There is much concern about the fact that by the decision of the court, the treatment and care of patients who receive general compulsory treatment are implemented with patients who are in general departments, as well as the treatment and care of juveniles are implemented with adults-women, men,
- There is no proper heating in psychiatric hospitals depending on weather conditions,
- Not provision of an accompanying specialists to the department of Psychiatric Assessment of Nubarashen psychiatric clinic when necessary is worrying,
- There is a problem of examination of people with mental health problems in other medical institutions or professional consulting or treatment provision and inaccessibility.

Boarding Schools and Orphanages

As a result of the surveys conducted in boarding schools and orphanages, the NPM recorded the following problems:

- The issue to provide a lodging to orphanage children in the future is problematic,
- The insufficient amount of the substrates, hygiene supplies and bedding necessary for the care of 0-3 years old children is a problem,
- In boarding schools there are poor conditions and problems related to the organization of care,
- The conditions of safety of food storage in boarding schools is disturbing,
- There is a lack of proper supervision over the storage of food and household items provided for charitable purposes, as well as provision of respective items to children when necessary,
- Improper organization of children's hygiene in boarding schools is a serious problem,
- The assurance of children's healthcare through respective medical aid is problematic,
- There is a problem of children's free medical service in boarding facilities, in cases when virtual residence and place of residence of children are different,
- Inefficiency of the work of social employee in boarding schools is problematic,
- No personal approach is demonstrated towards children,
- There are no registers to record the questionable or confirmed cases of violence towards children or between them in boarding schools (a register for body injuries),
- There is a lack of supervision over medical-psychological-padegogical assessment needs.

The NPM presented corresponding proposals on all the recorded shortcomings, omissions and problems.