

**HUMAN RIGHTS DEFENDER OF REPUBLIC OF ARMENIA  
AS NATIONAL PREVENTIVE MECHANISM  
(Interim Report, 2013)**

**REPORT**

**YEREVAN, 2013**

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## INTRODUCTION

The Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signed by the RA National Assembly on 31 May 2006) envisages the creation of independent National Preventive Mechanisms endowed with broad powers and guarantees to have free access to and conduct relevant studies in all the places of detention or any other places where people are or may be deprived of their liberty.

According to Article 12 of the 2008 RA Law on the Human Rights Defender, the Defender is authorized to have free access to any state institution or organization, including military units, prisons, preliminary detention facilities and penitentiaries; require and receive information and documentation related to the complaint from any state or local self-governing body or their officials. Point 6 of Part 1 of the same Article foresees that upon a written decision the Defender may delegate the powers envisaged in points 1, 2 and 6 of the same Part to members of his Staff or of the Expert Council.

Proceeding from the above mentioned, in 2008 the RA Law on the Human Rights Defender was amended with Article 6.1, recognizing the Defender as the National Preventive Mechanism (hereinafter also referred as NPM). Likewise, the NPM regularly examines the treatment of the persons deprived of their liberty and the conditions in places of detention. Proceeding from Article 20 of the Optional Protocol, the national preventive mechanisms is authorized to have access to all information concerning people deprived of liberty in places of detention.

The NPM jurisdiction covers the whole territory of the Republic of Armenia – all the places and institutions, where persons are or may be deprived of their liberty. The preventive activities of the NPM also imply regular visits to the places mentioned above, this is however restricted due to inadequate state funding.

Together with several non-governmental organizations, in the first trimester of 2013 the NPM has made visits to more than 133 penitentiary institutions, police departments, detainee units, military units, military establishments, hospitals, psychiatric hospitals, orphanages, special schools, care homes and boarding institutions of Yerevan and Armenian regions.

The omissions and deficiencies revealed as a result of the NPM's monitoring are listed below. The list is not exhaustive.

## **Members of the Expert Council**

1. TemikKhalapyan, President of the Expert council, “Trtu” NGO
2. ArturAghajanyan, independent expert
3. ArtakKirakosyan, “Civil Society Institute” NGO
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5. Davit Gevorgyan, independent expert
6. Laura Gasparyan, G. Magistros Medical Centre NGO
7. MikayelAramyan, “Against Violation of Law” NGO
8. Mariam Martirosyan, “Project Harmony International” NGO
9. SirarpiMughdusyan, “Social Justice” NGO
10. VarujanSedrakyan, Children Association in Armenia

## **MAIN CONCERNS**

In the first three months of 2013 the NPM together with some CSOs has visited the penitentiary institutions, police departments and detainee units under the RA Ministry of Justice, military units, under the Ministry of Defense, special schools, boarding institutions, orphanages, as well as psychiatric establishments and institutions of social care. As a result of the visits, the following main concerns were identified.

### **Penitentiary institutions under the RA Ministry of Justice**

- The issue of overcrowding in the penitentiary institutions remains unresolved.
- The disproportion of the number of detained persons to the staff of penitentiary institutions set by the roster is problematic.
- People with criminal subculture have a privileged status in the penitentiary institutions.
- Overall, the conditions in the penitentiary institutions are poor. This concerns equally the places of detention and the working conditions for the prison personnel.
- The right to walk, which is envisioned in the law, is not properly secured in the penitentiaries.
- In some penitentiary institutions quarantine cells are used as disciplinary and/or isolation cells, because of the absence of the latter.
- In some cases people who declared hunger-strike are isolated and kept in disciplinary cells, in some other they are not isolated and are kept with other convicts and witness them eating.
- In some cases the record books for quarantine cells are not properly maintained.
- There is a lack of constant and effective communication between prisoners and the prison staff, which is evidenced by the acts of self-harm registered in the penitentiary institutions.

- Since the persons in penitentiary institutions do not have possibilities of spending their time (work, sports, household, etc.), this may lead to deterioration of interpersonal relations between them.
- Provision of food in penitentiary institutions is inadequate.
- The state of medical care in penitentiary institutions is poor.
- The issue of providing insufficient or not providing food to those persons, deprived of liberty who are transferred to court for the trial, is still unresolved.
- The penitentiary institutions are not equipped with special facilities for prisoners with physical disabilities. This restricts their right to freedom of movement.

### **Police Departments, Detainee Units**

- In some cases the record books, where the people transferred to police are registered, were not properly filled in.
- The vicious practice, when individuals, who have been transferred or invited to police stations, were kept there more than the three hours limit set by law, is still persistent.
- In some cases people were kept in detainee units longer than the 72 hours set by law.
- There are still deficiencies in completing the record papers in the detainee units.
- The poor conditions in the detainee units, the inadequate food provision, the ineffective methods preventing the transmission of prohibited items, and the inadequate drug provision raise concern.
- In some cases the procedure of transferring the detainees set by law is not respected, and the detainees are transferred in the personal vehicles of the police employees.
- The external examination in the detainee units is a mere formality.
- Noappropriate medical personnel are available in the detainee units.
- There is a gender issue in relation to women kept in detainee units.
- In some cases the visits to detainee are not properly organized.

### **Military Units of the RA Ministry of Defense**

- The self-imposed hierarchy among the conscripts raises concern
- The living conditions in the military units under the RA Ministry of Defense are poor
- The conditions of detention in the disciplinary battalion are still concerning.
- The provision of sufficient medical care is still an issue in the military units under the RA Ministry of Defense
- In some military units the registration in the record books for medical care is not duly administered.
- The vaccination of conscript immediately during the conscription raises concern, since it causes immunodeficiency.
- In some cases the military police does not respect the legally previewed terms for keeping the conscripts in detention.

- The number of deaths in the military units under the RA Defense Ministry in the peacetime is extremely disturbing.

### **Special schools, boarding institutions and orphanages**

- The conditions of care and maintenance conditions in special schools, boarding institutions and orphanages are poor.
- The improper state-funding constitutes a problem.
- The current mechanism of state-funding in accordance to the number of children, who live in these establishments is inefficient and may have some corruption risks.
- The standards for normal food provision are deficient, and as a result the children are often underfed.
- The issue of children's transportation is not solved.
- The provision of clothing and other items, as well as stationary for the children living in these institutions remains an issue for concern.
- In some institutions cases of beating, ignorance and humiliating treatment were observed.
- The provision of vocational rehabilitation services is not properly secured.
- The health care services provided for the treatment of children living in special schools, boarding institutions and orphanages is a major concern.
- Special schools, boarding institutions and orphanages lack qualified health care personnel, as well as medical equipment and respective services.
- Education in special schools is ineffective, which negatively affects the literacy rate of children.
- There is a need for recruiting staff, particularly social workers and physiologists, and need of organizing profession trainings for the staff.
- In some cases the buildings of boarding institutions were used ineffectively and not for their purpose.
- The overpopulation of these institutions is an issue for concern.
- The provision of shelters for children living in orphanages in the future raises concern.
- In some cases the profiles of the special schools did not correspond to the needs of beneficiaries living in there.

### **Psychiatric institutions and care homes**

- In the institutions monitored improper care and maintenance conditions have been registered.
- There is a need of recruiting new employers in some psychiatric institutions and care homes.
- There are issues related to the professional and organizational training of the staff in the monitored institutions.
- The food in the monitored institutions is provided improperly.
- In some psychiatric institutions the cases of employing means of deterrence in front of the other patients to exert psychological pressure on the patient raise concern.
- The presence of expired drugs and multiple use of a syringe in some psychiatric hospitals and care homes are disturbing.

- Ensuring occupation of the persons maintained in the monitored institutions is a concern.
- Cases of social exclusion among the patients of psychiatric institutions were observed.
- In some cases the monitored institutions were not equipped with ramps.
- In some cases people under criminal prosecution, who are placed in psychiatric institutions for compulsory medical treatment by a court order to hold their insanity co-habit with other patients.
- There are no special units in the psychiatric institutions intended for minors, which would prevent the cohabitation of minors and adults.
- The fact that patients with mental disorder under care are kept with patients who have serious or chronic mental illness.

## **PENITENTIARY INSTITUTIONS UNDER RA MINISTRY OF JUSTICE**

1. Proceeding from the analysis of the written and oral complaints addressed to the HRD, as well as the information gathered by the NPM upon its visits to the penitentiary institutions, the NPM recorded that the same issues are persistent in penitentiaries, as compared to the ones revealed during the visits made in 2012. Hence, despite some reparation works, the same issues related to the poor conditions in penitentiary institutions, the failure to secure special conditions for prisoners who go on hunger-strike, lack of urgent medical care services, undue administration of external examination, etc., were observed. The list of the issues is presented below and is not exhaustive.

### **1.1. Overcrowding**

It is well-known that deprivation of liberty is the most severe measure of punishment defined by the penal law. Nevertheless, the overpopulation in penitentiary institutions significantly adds on the stress factors, since it considerably reduces the size of living space for prisoners, and hinders the full enforcement of the prisoners' rights to indispensable needs (e.g. walk, medical aid, psychological assistance) and to having possibilities of leisure (e.g. sports, library). The extremely restricted living spaces obviously are a factor that intensifies anger and leads to failure to adapt among prisoners, especially in hot weather. It is not a secret that the majority of persons kept in the penitentiary institutions are inclined to be aggressive and impulsive, and the prison workers make great efforts to deter and control these inclinations. Moreover, we should also consider the fact that overcrowding is a serious obstacle for the realization of the purposes of punishment set by the Criminal Code, which is to

restore social justice, , rehabilitation of criminals and prevent new crimes. Meanwhile, overcrowding is virtually a seriously hinders the accomplishment and ensuring of all these purposes. Besides, it is a matter of concern that the number of prison employees provided by the roster does not correspond to the number of persons incarcerated. While the number of persons kept in penitentiary institutions increases time by time which consequently leads to overcrowding, the staff remains to be insufficient.

The issue of overcrowding persistent in prisons over years has been repeatedly stated in the NPM's report, as well as in the reports of national and international institutions administering monitoring in this field. However, this is a continual problem and it shows a tendency to grow. Hence, the overcrowding in prisons may not only be qualified as a manifestation of inhuman treatment towards the prisoners, but it also causes problems for the smooth operation of the penitentiary institutions. The analysis of the issue allows the NPM to conclude that if PI's encounter overpopulation, cases of violence are unavoidable

Thus, for example in "Nubarashen" PI, at the moment of the NPM's visit there were 1184 people in the living spaces intended for 840 people. According to Article 73 of the RA Penitentiary Code, the living space per detainee should not be less than 4 square meters. Nevertheless, in the majority of cases, the space of the cells, observed during the visits, made 25 square meters, and they accommodated 17 prisoners, whit only 10-12 beds installed there. This means that the number of beds installed in the cells is four times less than the number of prisoners, who are forced to sleep shifts. During the visits, the group has encountered some cells, which hold fewer prisoners, e.g. in the cell # 50 there were only 8 prisoners, but the space was fairly big and accommodated 9 beds. When the NPM asked why is the number of prisoners in this cell so little, while in other ones inmates have to sleep in shifts, the prison workers answered that they are former officials. Hence, the NPM suggests that there are some risks. In another ward, number 48, there were only 3 people. In the account of the employees, there were 2 "prison watchers" held in that ward. To the NPM's question why these people are granted such privileges, the staff answered that they help them a lot to ensure discipline among the inmates. There was also a ward, which accommodated 4 people. The cell was renovated and equipped with good furniture. According to the employees persons renowned and respected in the criminal world were kept there. The abovementioned evidences that people with criminal subculture have a privileged status in PIs, which equally is a serious obstacle for resolving the overcrowding issue in prisons.

Another example which evidences the issue of overcrowding in PIs is the one of "Vardashen" PI, where there are 240 people instead of the permitted number 150. There are 6 prisoners in a cell of

12 square meters, which twice exceeds the permissible limit per person. Besides, because the PI is overpopulated healthy prisoners are kept in unoccupied infirmaries. “Erebuni” PI also encounters overcrowding, since there are 442 prisoners instead of the permitted 391 (including 20 persons in free regime). However, the NPM would like to note that despite the exceeding of the permitted limit, all the inmates have sleeping places, and are held in renovated dormitories under sufficient sanitary and hygienic conditions.

During the visits to PI of the Armenian regions, the issue of overcrowding was recorded for example in “Artik” PI, where 432 people were held instead of the permitted 373.

The NPM believes that holding the prisoners under the abovementioned conditions makes their punishment degrading, which hinders the adaptation and rehabilitation process of prisoners. Instead, such living conditions causes inconvenience and accommodation issues among the prisoners, strengthen the aggression and disrespect both towards each other and the PI employees, as well as towards the state and society. It should be noted that the RA Ministry of Justice has taken some actions to remedy the problem of overcrowding. Namely, a new PI in Armavir is under construction. However, the study of international experience shows that the issue may not be resolved only by the construction of new PIs, there should be a clearly expressed political will aiming at elimination of widespread practice of using detention as a preventive measure.

## **1.2 Detention Conditions**

Despite the administration of several renovation projects, the general detention conditions are still in an issue in the PIs. The NPM has assessed these conditions to be insufficient, and this is equally true for detention conditions of prisoners and the working conditions of the staff. It should be noted that the extremely unfavorable detention conditions not only lead to the infringement of person’s dignity, as an inherent human right and freedom (this should be protected by the state as a the highest value), but they may also cause some illnesses, which is in fact a violation of the human right to live in an environment favorable to his or her health and welfare.

Particularly, some PIs should be fully reconstructed. For example, in “Nubarashen” PI the overall conditions are poor, except for some cells, the others are damp and in anti-sanitary conditions. The toilette is in a poor state, as a result the prisoners have to smell the unpleasant odors all day long. The road leading from the first floor to kitchen also smells unpleasant. Moreover, the level of air humidity in the PI is high. Because of the accident in the sewer system, the water is spilling through the

corridors (in different places of the first floor), there are also insects on the walls and floors which can cause harm to health and transmit infectious diseases.

The NPM and other international organizations had raised their concerns regarding the detention conditions and mentioned the urgency of the issue. Taking into account the case law of ECHR, the NPM would like to stress that the detention conditions on PIs under the RA Ministry of Justice could be amounted to inhuman and degrading treatment. We acknowledge that to settle the issue complex reconstruction and other works are needed which requires big state funding, however the complexity of the issue may not be considered as a factor for excluding responsibility.

### ***1.3. Walk***

Point 10 of Part 1 of Article 12 of the RA Penitentiary Code provides that prisoners have a right to rest, including the right to walk in open air, sports and 8-hour sleep. Article 78 of the Code prescribes that the walks should be made on day hours in open air, and the duration of daily walk cannot be less than one hour. The Code also sets that the head of the penitentiary institution, where the person serves his/her sentence may extend the daily hour for walk by one hour as an incentive. Moreover, according to Article 36 of the RA Law on Holding Detained or and Arrested Persons, persons held in punishment cells have the right to one hour daily walk and it is prohibited to apply restrictions towards the detainees in punishment cells, unless provided by this Article. Nevertheless, in reality for many years these legal provisions are not duly implemented, which is a result of exceeding officials duties by the PI administration. Meanwhile, Article 5 of the RA Constitution defines that State and local self-government bodies and officials shall be competent to perform only such actions for which they are authorized under the Constitution or laws. The cases of mass refusal to walk (“Artik” PI) are also of concern, and indicate that there is a low level of trust and unfavorable atmosphere in the PIs among the respective employers and convicts/detainees.

Thus, during interviews and private conversations the NPM revealed that for example in “Nubarashen” PI daily walks are organized on certain days, and while on Sundays there are no walks at all. This fact was disclosed when the NPM asked how many persons went for a daily walk the day before, and I response one of the prisoners answered that “it was Sunday, yesterday”. There is an issue of recruiting new workers in the PI, and this is also an obstacle for duly organizing daily walks. Thus, we may conclude that the main reason for not securing the right to daily walk is the sever lack of oversight on those officials who by virtue of RA law are responsible to ensure discipline in the PIs.

#### ***1.4. Issues related to persons gone on hunger-strike***

Because of the overcrowding in PIs, people gone on hunger strike are held in punishment cells and under the same conditions as the punished prisoners. Particularly, the space of the cell is 15-17 square meters, it is not renovated, is half-damp and is heated with only electric oven. This is an unaccepted practice since person who goes on hunger strike as a sign of protest is in fact equaled to people, who are imposed to disciplinary sanctions by the PI. Besides, the conditions in the punishment cells deteriorate/may deteriorate the health of the persons held there, which consequently is a violation of their right to live in an environment favorable to his or her health and welfare. Persons held in these cells sleep on the same wooden beds. The NPM also recorded cases when persons gone on hunger strike were not isolated and were held in common cells, and have witnessed the other convicts eating. Such a treatment is virtually a serious tool for psychological pressure.

The provision of daily medical care for convicts on hunger strike is still an issue. Taking into account that starting from 2012 dozens of people serving their sentences had launched a hunger strike for expressing their protest, the NPM state its concern about the fact that the rights and obligations of this group are still not regulated by any document.

The NPM has conducted interviews with persons on hunger strike, who have expressed their major concerns. For example, in “Artik” penitentiary prisoner A.B, who was held in the isolation cell, had initially declared a hunger strike and later had also gone on water strike. However, the prison administration had not accepted his request about water-strike , and there were 10 bottles of mineral water in his cell.

The existing problem related to persons on hunger-strike and the inconsistent approach towards them is a proof that the issue is still persistent. The fact that the rights and responsibilities of people on hunger strike are not defined by law is a major concern. It is important to note that in reality the Pi administration defines some responsibilities for these persons, which irrespective of their guilty verdict, shall be set only by law.

#### ***1.5. Punishment cells***

According to Article 36 of the RA Law on Holding Detained or and Arrested Personspersons in punishment cells shall be under medical supervision. Moreover, bedding should be provided on hours intended for sleep. During its visits the NPM has recorded a number of issues both in the PIs of

Yerevan and of the regions, these issues are constant. Particularly, the conditions in isolation cells are extremely poor and anti-sanitary and anti-hygienic (e.g. in “Vardashen” and “Erebuni” PIS). Moreover, with health issues are held in these unfavorable conditions and are not even provided proper medical aid (for example, “Vanadzor” PI).

Thus, in “Nubarashen” PI, where at the time of NPM’s there were 7 prisoners (3 persons in one two cells, 1 person in one) serving a disciplinary punishment and one person was isolated, they had not had breakfast (according to the rules they cannot receive any delivery) and had not gone for a walk. During the interviews the NPM revealed that there were some prisoners who were not even aware of their right to walk. The windows of the isolation cells were broken and covered with polyethylene packages. One of the prisoners held in the ward had received bedding items upon the doctor's order.

The RA Penitentiary code provides for disciplinary sanctions towards the prisoners, including their transfer to isolation wards. In deciding the measure of punishment towards the prisoner, his character and behavior before the disciplinary violation is taken into account. The sanction applied should be consonant to the gravity and nature of disciplinary violation. In the given case, the transfer of convicts to isolation cells, irrespective of the gravity and/or nature of violation, may not be proportionate and may run counter the principles of humanism.

### ***1.6 Quarantine cells***

Under Parts 2 and 3 of Article 65 of the Penitentiary Code, the convicts transferred to correctional institutions are placed in quarantine centers for seven days to undergo medical examination and adapt to the conditions of the correctional institutions. The conditions in the quarantine center are almost the same as in the common cells. The order of holding convict in quarantine centers is defined by the internal regulations of the correctional institution. They notify the convict transferred to correctional institution of his basic rights and responsibilities, after he is placed in quarantine centers, they introduce him to the internal regulations of the correctional institution and attach the certificate verifying these actions to the personal records of the convict. Despite this process is set by law, in practice it is not duly ensured. Specifically, the quarantine wards are overpopulated, the records in the registers are not made properly, they do not organize walks for persons in these wards, the state of the wards is poor, there is no bedding, etc. Moreover, in some PIs the quarantine wards are used as punishment and/or isolation cells.

Thus, at the time of the visit, in the four wards of the quarantine station of “Nubarashen” PI, there were 19 convicts. The record book of the quarantine center was bound but not sealed, and it was impossible to understand from the records made in the book who and for how long is placed in the center, and when they have been transferred to quarantine wards. No walks are organized for convicts in quarantine wards, while the last record made in the book for convicts who refused to walk dates back to 24/12/2012, the last record but one dates back to 12/12/2012. The record book is completed 2-3 times a month, and it becomes obvious from the records that all the convicts have went for a walk, meanwhile the prisoners claimed the contrary. Hence for example there were 5 inmates in one ward and had only 4 mattresses, but they did not have any other bedding items. When we arrived at the last ward, they had already provided the convicts with bedding items, and some of them had not managed to make their beds. Some of the convicts asked to give them something to cover the beds while the NPM was there. A list of necessary bed and kitchen items provided to the convicts was attached on the walls. The list dated back to 2010. The people held in this ward informed that they do not have breakfast, they only have some bread. In some other cases observed, there were some deficiencies in the way the record books for convicts in quarantine were made. Sometimes, people were held in the quarantine centers for eight or more days. The prison staff explained the NPM that the delay was due to safety reasons and operational works (“Vanadzor” PI).

The NPM would like to add that during the visits made in 2012 it had registered that in “Yerevan-Kentron” there were no quarantine wards, while there was a need to repair and improve the sanitary and hygiene situation in the quarantine wards of “Nubarashen” PI. At the same time, we should highlight that in some institutions the abovementioned issue, which we have repeatedly raised, was resolved. This was confirmed during our visits.

### ***1.7. Other Issues***

During its visits the NPM has regularly registered cases of self-harm among prisoners, which is an evidence of that there is a lack of stable and effective contact between the prison staff and convicts. This also suggests that social and psychological care service in the penitentiaries is on a low level. This also evidenced by the fact that during the visits to the wards and private conversation the convicts have complained that they do not provide them with papers for addressing written inquiries to different bodies.

Even though the convicts are aware of their rights, as a result of its interviews, the NPM has registered that the prisoners generally do not know how to protect their rights, what mechanisms to use. They basically do not have the culture of protecting their right through legal means. Moreover, they are more reluctant to complain, to tell the truth, to cooperate, to hide the real facts, which is a part of the criminal subculture. In this regard, the prisoners are not inclined to cooperate with bodies that are called to protect their rights, instead they either prefer to tolerate the violations against them during their incarceration and after their release their behaviors becomes unpredictable, or they prefer to accuse their inmates who are weaker in their own criminal actions, which suppose deprivation of liberty. The latter creates an inter-group hierarchy and violence and inhuman treatment become internal issue, which cannot be reported. The PIs also encounter the issue of absence of occupation for convicts (work, sports, domestic, etc.), which leads to deterioration of interpersonal ties between prisoners. Meanwhile, Chapter 16 of the Penitentiary Code prescribes activities related to the organization of work, education, cultural, and sports activities for persons who are sentenced to life imprisonment or for a fixed term. According to some of the articles of the given chapter, the administration of correctional institutions shall take measures for ensuring vocational and degree education of the prisoners. The prison administration should take effective steps to advance the creation of cultural, educational and sports unions for prisoners who are under their control (Article 89 and 91).

Article 92 of the Penitentiary Code prescribes that the administration of the correctional institution shall supply the prisoners with means to enable them to communicate with their relatives and persons outside prison. For this purpose, the prison administration should provide facilities for long-term and short-term visits, means of telecommunication and access to media outlets. However, some of the convicts refrain from the visits of their relatives, since they suggest that the prison employees threat their visitors rudely, they create red tape and artificially make them wait for a long time. It should be noted that the prison authorities have a duty to contribute to the social inclusion of convicts, and prevent their exclusion from the society. The facts mentioned above hinder this process.

Under Part 1 of Article 76 of the RA Penitentiary Code the prisoner serving a sentence enjoys a right to adequate food that would sustain an average person. The daily average proportion of food served for the prisoners is defined by the RA Governmental decree. Part 2 of the same Article prescribes that it is prohibited to diminish the quality of food or the nutrition of the given proportion, even as a measure of punishment. Another issue register during the visits regarding the living conditions, is the adequate provision of food, which is one of the common and persistent problems in

this field. Particularly, very few prisoners have the possibility to eat at during breakfast and lunch (out of the 38 cells in “Nubarashen” penitentiary, the inmates of only 2 cells enjoy this possibility, moreover the food is served in very small proportions). Afterwards the NPM revealed during the private conversations that even these prisoners did not enjoy the possibility of eating the food served by the prison administration. As we have already noted, the prisoners are mostly reluctant to tell the truth, which is connected with their criminal ties. Under these conditions, violence and inhuman treatment are an internal issue, which is prohibited to voice. Besides, according to the explanations provided by the prison authorities only 20-30% of prisoners have the opportunity of having breakfast and dinner, and over 50% of them – of having lunch. The prisoners mainly eat the food they receive in parcels. This explanation, the miserable look of the food served during breakfast, the poor sanitary and hygiene conditions of facilities where food is kept are evidence that prisoners are served low quality food. To provide their relatives with better food instead of the inadequate food served in prisons, the relatives of the prisoners have to pay the prison administration for handing over their parcels, moreover the “cost” for handing over the parcels gradually increases (e.g., in “Nubarashen”, “Vardashen”, “Erebuni” PIs). The state of those prisoners who do not receive or rarely receive any parcels from their relatives is a serious concern. It is to be noted that, in the “Prisoners’ Hospital” PI the kitchen is situated in a separate building, and the ill prisoners encounter difficulties to get there, especially when the weather is bad.

The NPM considers it important to note that in all the above mentioned PIs did not serve meat, cheese, and other products throughout the month of January. According to the heads of the penitentiary, they encounter this problem every year since the time of approval of the annual budget and the allocation of funds from it demands much time. Meanwhile, the RA Penitentiary Code clearly prescribes that it is prohibited to diminish the quality of food or the nutrition of the given proportion, even as a measure of punishment. The prison authorities need to be consistent in rectifying this problem.

The failure to ensure proper conditions for prisoners with disabilities, especially in the medical units, and restrooms is an obstacle for to their freedom of movement.

## **2. External medical examination and provision emergency medical aid**

Article 83 of the Penitentiary Code sets the rules of providing medical aid. According to these rules, special medical units are maintained to provide health care and preventive medical services. The administration of the correctional institutions should maintain sanitary, hygiene, as well as anti-epidemic measures to the prisoners. Besides, the administration of the correctional institution is entitled to responsibility for the non-maintenance or inadequate maintenance of these measures. It is appraising that medical units for providing health care to prisoners and detainees are already set in all the PIs. The “Prisoners’ Hospital” PI is also operated in the RA penitentiary system, and persons held in PIs are transferred there to receive professional medical care. However, in comparison to the year of 2012 the state of health care services in PIs is still poor. Particularly, the PI lack qualified medical personnel, they do not have medical equipment and necessary drugs, as well as the medical records are not maintained accurately. There have even been cases, when the medical staff has not made a record about the injuries revealed on the body of the person deprived of liberty.

Thus, the “Prisoners’ Hospital” PI lacks medical staff (surgeon, cardiologist, endocrinologist, pat anatomic), as well as sociologists, psychologists and other professionals. At the moment of the visit, there was only one surgeon working in the PI. Back in 2012, 30 workers were dismissed of their duties at their own request. They explained this by the fact that the work is hard and dangerous, while the salary they earn is not enough for taking care of their family. At the moment, one surgeon and one therapists work the night shift. It is impossible to provide adequate health care services at night hours to patients who stay in different buildings. It is noteworthy that at the time of the NPM’s visit, there were 46 patients with in grave and severe diseases registered in the PI. In addition to the medical staff, it is necessary to recruit new inspectors, since the number of inspectors in the PI diminishes because it provides inspectors to civil hospitals, where prisoners undergo treatment. This leads to decrease of level of security of the PI. At the same time, the fact that absence of additional guard points may constrain the PI to ensure the treatment, examination or provision of qualified medical assistance to the patients is a major concern.

The conditions of the medical units are extremely unfavorable. Particularly, there is no central heating, they use electric ovens to heat the medical rooms. The buildings of the medical institution are constructed in a way that is not convenient for the patients. Thus, the ill prisoner (who has temperature or needs health care) in bad weather conditions has to go out of the building to receive necessary

injunctions and drugs in the neighboring building. According to the doctor, medical care is available in the rooms for only the 3 patients who should stay in bed. There is also the issue of obtaining necessary drugs, since in cases when there is a need for some unavailable drugs, the PI cannot purchase them immediately. To rectify this problem, the prison administration was offered to sign a contract with the nearby drug store, where they could purchase additional drugs in urgent cases.

The NPM has recorded some complaints notifying that they demand monetary compensation for transferring a person to the “Prisoners’ Hospital” PI and providing him medical care. Without the compensation the requests to transfer the person to the medical institution is either immediately denied or delayed for no reasons (“Nubarashen” PI). Besides, the sanitary and hygienic conditions of the medical rooms are poor. According to some of the complaints, the medications assigned by the doctor have not only not helped the patient but also have caused allergy and new diseases.

In some PIs the prisoners placed in medical units buy drugs with their own means. Thus, there were 11 patients in the medical unit of “Vardashen” penitentiary, but at the moment of the visit the NPM revealed that no medical card was maintained for any of them. This made impossible to assess how properly the patients were diagnosed. Some of the patients suffered from diseases prescribed by the N825 Government decree. Even though according to this decree, these diseases are among the ones that hinder the execution of the punishment, the administration of the correctional institution had not taken any measure to release the prisoners. One of the prisoners even mentioned that someone from the Medical Working Commission MWC has told him “ that your case will not be submitted to the commission, unless your health conditions deteriorates severely”. Another patient was kept in “Erebuni” medical center and received proper medical aid with his own means, however when he was transferred to the PI no adequate medical care was available.

The record book on external medical examination, contained records only about the results of external examination of patients, who were transferred in emergency. This was the case registered during the previous visit.

In 2013, 35 prisoners were transferred to PIs, but only 11 of them had undergone external examination.

According to Article 66 of the Penitentiary Code, records about the prisoner are made in the record book and the personal card immediately after he is transferred to prison. In a state when the RA law clearly defines necessary procedures, we can conclude that the reason for which external examination of the prisoners and emergency medical aid is not ensured and respective records are not

properly maintained is that the absence of oversight on the process of implementation of RA legislation by the officials.

### **3. Other complaints of the persons held in penitentiary institutions**

In addition to the abovementioned complaints, which were prevailing. The NPM has also registered complaints about the number of visits, the absence of possibility to make frequent calls, as well about other issues that are not provided by the RA legislation but in practice remain unresolved. The NPM has even registered a case of violation of the person's right to freedom of thought, conscience and religion.

Thus, K.M. had declared that he was a Buddhist and insisted that if any Christian entered his ward he would kill him. K.M. has made this statement after his cell-mate B.D. had expressed a desire to meet with a bishop. At the first time, K.M. left the cell until the bishop ended his visit, and then he had warned B.D. of not having such visits any more. Thus, B.D. was frightened. The fact that the chief administration of the given PI had not investigated the details of the case in order to prevent such cases is an issue for concern.

It is worth to stress the issue of providing the prisoners who leave the prisons for being present at the court trials with insufficient food, or not providing them at all. Thus, for example in “Vardashen” and “Nubarashen” penitentiaries, where the NPM has made visits, the procedure of providing food is complicated and the proportion provided is insufficient and is not served in special TARA . Moreover, the NPM has visited some police officers in the Armenian regions, who have stated that the detainees transported to court do not have any food at all.

## **POLICE INSTITUTIONS**

### **1. Police Departments**

Under Part 1 of Article 113.1 of RA Criminal Procedure Code prescribes that within three hours after taking a person suspected in the committal of a criminal offence to the inquest body, to the investigator or the prosecutor, a protocol shall be drawn up on the arrest of the suspect, the copy of which shall be provided to the arrestee upon signature. However, in practice there this requirement is often breached. In most cases recorded in 2013, it was also the same in 2012, the inquest of the term between the interrogation of the suspects and the completion of the protocol of detention exceeded the 3-hours limit set by law. Thus, in the Shengavit Police Department of Yerevan.A.V. was brought to the police at night, and according to the records was kept there for over 4 hours. The NPM also recorded cases when they brought the person to one police department and transferred him to other police department at an unfixed hour. Moreover, in some cases the record books about the people brought to police departments were not properly maintained. Thus, for example field where the measures taken towards the person brought to police or the name of institution where he should be transferred is not correctly indicated, or in many cases only the time of bringing the person to the police department was fixed, while there is no record about the time when the person was released of detention.

To explain abovementioned respective officials from the police department assume that 3 hours is not enough for examining the case, compiling records of the case, handing it to the investigator or releasing the suspect. Meanwhile, there were some cases, when a person suspected in a crime of non-grave nature was held in the department for 14 hours.

The draft of the new RA Criminal Procedure Code, which has been approved by the Government and submitted to the RA National Assembly, provides for a different regulation of the 3-hour term prescribed for the completion of protocol. Thus, according to the draft the police official shall provide the suspect with the order on detention or release no later than 6 hours after his/her detention.

At the same time, we should note that in those cases where violation of the 3-hour term set by law has been registered, the police have taken into account the recommendations of the NPM and made efforts to rectify the problem.

## **2. Detainee units**

Article 29 of the RA Law on Holding the Detained and Imprisoned Persons stipulates that a respective record shall be made in the book and the personal records of the detainee/prisoner, after he is transferred to detainee unit or prison. Personal records are maintained for each detained or imprisoned person, which should necessarily include the date of detention, release from imprisonment or seizure. According to Article 19 of the same law, the detained or imprisoned person shall be provided with free adequate food, the minimum proportion of which is set by the RA Government. It is prohibited to reduce the proportion or the nutrition of the food served to detainees or prisoners.

Nevertheless, during its visits to detainee units, the NPM has registered numerous deficiencies with regard to the inaccurate maintenance of record books, violation of terms set by law for keeping the detainees in the units, the inadequate provision of food, poor conditions of facilities, where detainees are held, the ineffective methods preventing the transmission of prohibited items, inadequate provision of needed drugs, etc. In essence, the issues registered within 2013, were the same as the ones in 2012.

Thus, as regards the inaccurate maintenance of record books, there were mainly cases when the police officer did not make notes about the results of personal search upon the transfer of the suspect to places of detention. Besides, no records about the visits and hand over of parcels were made, even though the workers in the police departments assume that the detainees mainly eat the food they receive in parcels (for example, in the police departments of Vanadzor, Tashir).

The issues related to the visits made to the detainees is also salient, since the heads of these institutions enjoy wide discretion to decide to grant or not the right to visit of the detainees with their relatives article 15 of the RA Law on Holding the Detained and Imprisoned Persons stipulates that detained and imprisoned enjoy the right of visit from their relatives, while the imprisoned persons may also meet representatives of media outlets and other persons only upon the authorization of the head of the detention or imprisonment unit. Hence, the head of the detention or imprisonment unit has the discretion to grant or reject the possibility of a person to have visitors.

The issue of holding the detainees longer than the 72 hours term set by law is still acute. Moreover, the justification provided by the administration of the detention unit in this regard are mainly baseless and even raise doubts. It is noteworthy that after the person is transferred to another institution after an unfixed term, new injuries are detected on the body of the person (e.g. in Chief

Investigation department of Yerevan, Police department of Malatia). Thus, K.H. entered the detainee unit of Vanadzor police on 06/03/2012 at 23.40, he was transferred to detainee unit of Spitak on 03/03/2013 at 20.00. On 09/03/2013 at 16.10 he again entered the Vanadzor detainee unit, and transferred to Vanadzor penitentiary institution on 09/03/2013 at 22.10, since the detainee units were overcrowded. Meanwhile, there were in fact three people held in the detainee unit and even if there was a need to isolate the person, they could have used the fourth ward. The NPM met K.H. to study this suspicious case. His external medical examination revealed scratches on his front, outer part of the left knee and swelling of third gravity on his right arm, and new physical injuries. He confessed that they beat him at the police and caused injuries to his leg, but since the policeman was not familiar to K.H., he could not provide any information about him. The penitentiary institution has warned the prosecutor about the case.

The NPM is concerned with the complaints about the inadequate provision of food in police detainee units. In some units, they only serve food once, since it is impossible to serve three meals a day with the 600 AMD allocated for this purpose (e.g. in the detainee units of Vanadzor, Vardashat police departments), while in other detainee units food is served 2 times (for example in detainee unit of Abovyan police). Along with inadequate provision of food, the insufficient quantity of drugs in the detainee units is also a matter of concern (for example in the detainee unit of Tashir police).

The conditions in which the detainees are kept in the units are still very poor, and this causes deterioration of the detainees' health. Particularly, the detention wards are not equipped with toilette, there is no laundry service, therefore the laundering process in the detainee units is complicated and entails some corruption risks, since as a rule the workers in the units wash the clothes of detainees with their own means (for example, detainee unit of Abovyan police department, detainee units of Vagharshapat and Spitak police departments). Besides, even the investigators complain that it's cold in the police departments, their rooms are not heated and there is no daylight.

In some detainee units, they have not taken appropriate measure to prevent the transmission of prohibited items. Particularly, in the detainee unit of Spitak police department there is only a glass window with 30-cm height placed in the visitors' room and the NPM believes that this is not sufficient measure to prevent handover of prohibited items. Such kind of issue also exists in the detainee unit of Hrazdan police department.

The NPM is also worried with the cases when they transport the persons in detainee units by the personal cars of the police employee, which is a violation of the rules defined by law.

The record books on external examination made at the detainee units mainly contain some short notes, such as “no complaint”, “no medical problem”, which gives the NPM ground to suspect that external medical examination in detainee units is not duly administered.

The NPM is concerned by the fact that excluding the detainee unit of Yerevan, the other units do not have position of a doctor. The NPM considers important to stress that eventually no special conditions have been set up for women prisoners on the whole territory of Armenia. The police does not have woman workers who could administer the external examination and the personal search of women prisoners, would lead them to toilette, etc.

The NPM notes with concern that it and the engaged international organizations have repeatedly raised the above-mentioned issues throughout years, but they are still unresolved.

## **MILITARY UNITS UNDER RA MINISTRY OF DEFENSE**

The NPM has visited military units, military police and hospitals both in Yerevan and in the regions. As it was in the case in 2012, during the visits in 2013 the issues that the NPM has registered during its visits the following salient issues: self-imposed hierarchy among the conscripts, which is manifested in use of psychological pressure on new conscripts, leading to interpersonal conflicts. The NPM believes that to resolve this issue, the provision of the 2012 RA Law on Disciplinary Code of RA Armed Forces should be consistently implemented. Besides, the NPM notes that is the cases of death in military units in peacetime are very disturbing, and they are regularly observed by the NPM during its visits to the RA MD military units. The NPM has also recorded numerous issues regarding the inadequate living and medical service conditions in the RA MD military units, which as compared to 2012, in fact have not been improved.

### **1. Maintenance conditions**

Article 10 of the Law on Approving the Internal Disciplinary Code of the RA Armed Forces stipulates that “the state shall guarantee the right of servicemen to social and legal protection, shall take measures for providing them with adequate and dignified living conditions, as well for improving their service and living conditions. The territorial government agencies, military agencies, commanders

(heads) and law enforcement agencies shall secure the ensuring and the protection of the rights of servicemen”. Article 114 of the Law on Approving the Internal Disciplinary Code of the RA Armed Forces defines that the head of the regiment’s medical care unit shall conduct medical-preventive and anti-epidemic measures, shall control and ensure safe conditions for conduction of military trainings, control the safety measures in the places of settlement of the regiment and ensure that standards for providing food, water, laundry, bathroom services are provided properly, it shall also control that sanitary conditions of living spaces and household, ensure the proper and timely provision of clean bedding, underwear, towels, socks and slippers.

During its visits to military units of Yerevan and the regions, the NPM has registered that the living conditions are extremely poor. This is a systematic problem and is a major concern.

Thus, in the majority of institutions there is the water supply is not regular, the toilettes of the military units need complex reconstruction and replacement (e.g. in number N artillery unit, the toilets and lavatories are out of order, there is no laundry (number N military unit of Gyumri), but the units are properly heated. In addition to the need of improving the living conditions, some units also lack personnel, which is a complicated issue given the low levels of salary. The staff officers of N1, N2 , N3, N4, N5 units do not enjoy any privileges, and thus encounter issues with earning their life. While talking with the NPM, many officers stated that they may leave the army, since they are not able to earn the living of their family. Both the staff officers and the servicemen complain about the absence of opportunity to use public transport.

The NPM considers important to speak about the living conditions of the disciplinary battalion of Hrazdan, which NPM assessed inadequate as a result of its visits. Soldiers sentence to imprisonment for a term of 3 months up to 3 years are held in the battalion. The building of the battalion is old, and was initially intended for a warehouse. The building has two dormitories, and the soldiers live in one of them. This room is heated and used as a bedroom, classroom, etc. The room is fairly large, the height between the ceiling and the floor is 6.30 meters, which makes the heating of the room difficult and in addition to two electric ovens, and they burn wood to heat the room. At the moment of NPM’s visit to the unit the room was filled with smoke, which made breathing impossible. The bed linen was dirty, and when the NPM asked the soldiers when they had changed the line for the last time, they said that it is always dirty because of the smoke, even though they wash it once week. The second dormitory is used as a gym but it is note heated. The kitchen, bathroom and toilette are situated in the same building. It is pretty cold in the kitchen. Besides the kitchen and bathroom need to be repaired, since they are in

poor sanitary and hygienic state. Only 2 of the 6 showers is in order. There is one bed in the common dormitory of soldiers, which is placed in the corner of the room and is the quarantine “unit”. There is also a two-stairs bed in the bedroom, where homosexuals slept. The imprisoned soldiers do not enjoy the right to walk and when the NPM asked whether the soldiers in general leave the building, the employee answered that they go outside when they do some work. At the moment of NPM’s visit there were 30 soldiers serving their punishment in the disciplinary battalion, and two of them were in the hospital. As the employees assumed, these soldiers live under the same schedule as the ones in army, the only difference is that they don’t enforce them to combatant trainings as measure of punishment for avoiding service. Besides, the soldiers deprived of liberty enjoy the right of visits twice a month and may receive unlimited number of parcels. The soldiers in disciplinary battalions receive their hygiene items from their relatives. NPM was informed that there is no money allocated for buying hygiene items and this is an issue. The administration provides hygiene items to the soldiers who do not have any relatives with their own means. The disciplinary battalion has two disciplinary wards, which according to the employees are never exploited, since there are no proper conditions and heating available.

The complaints and violations recorded during the visits to the departments of RA DF military police departments in Yerevan and in the regions, related to the problems that concerned the taking out of detainees from wards, the proper registration of persons conveyed to isolation wards, the inaccurate maintenance of record books on the walks of detainees, the absence of any records in the parts of the book for filling out the results of examination or their improper completion. Even though the living conditions were overall adequate, the recorded complaints mainly concerned the state of kitchens and canteens, and the need of their reparation, as well as the poor conditions of the bathrooms, as result of which people take shower in the neighboring military units (for example, in Arshavir military police department).

The conditions in the isolation wards for detained servicemen are poor, particularly it does not have any rooms intended for quarantine and visits, and there is no roof in the yard of the wards for protection from the rain. According to the doctor, he is the only one present during the external examination. As a result of the examination a protocol is drawn up and respective records are made in the books. The fact that the doctor’s working hours are till 18.00 and he has no night shifts is disturbing.

Like in the case of police departments of RA Police, the officials of the RA military police do not fulfill the legislative requirements on the duration of holding the soldiers, brought to police station. Particularly, there were essential discrepancies in the records about the time of bringing the soldiers to police. Thus, for example, even though the limit set by law for holding the soldiers in police department is 4 hours, one of the soldiers was kept for 16 hours and even more. The records were not complete, and did not indicate where the persons, brought to police station, were transferred, etc. As to the abovementioned 16 hours, the police administration explained that the defined 4 hours is not enough to receive information from the people brought to the police and make any decision about their transfer (Vanadzor Military Police).

## **2. Medical care**

Article 342 of the RA Law on Approving the Internal Disciplinary Code of RA Army Forces provides for the following medical–preventive actions: specialized, in-patient and out-patient treatment. In order to prevent the spread of infectious diseases, preventive medical measures are mandatory for all military personnel.

In addition to other issues, which NPM has detected in military units of Yerevan and regions, in 2013 the deficiencies in the medical care system were also persistent. Particularly, the sanitary and hygiene conditions in the medical centers of the military units are extremely poor and concerning (N1, N2, N3, N4, N5 military units), there is no proper control or no adequate measure are taken to isolate the soldiers with infectious diseases (dropsy) from other patients (the all use the same toilette). The number of medical care workers is not enough (1 dentist works in 5 military units, there are no nurses or hospital attendants). This leads to overpopulation in medical centers of military units and the effectiveness of their work suffers. Besides, necessary medical items and drugs are not available. With all this, the ignorance with which the personnel treat the patients aggravates the unfavorable situation. Moreover, the NPM considers it important to stress that even in those cases when the doctor mentions in his conclusion that the patient shall be deployed, the final decision is made by the commander, which shows that the doctor's professional opinion and work is often ignored. The NPM is concerned with the vaccinations made immediately during the draft. The vaccinations lead to immunodeficiency, which aggravates the health condition and causes new illnesses, in addition with the stress the persons feel for adapting to the new environment. With regard to this issue, the NPM recommends to make the

vaccinations immediately during the conscription earlier, in the pre-conscription period to avoid health risks. There is also a need to improve the medical equipment, by importing laser thermometers, which can measure the temperature more effectively. This will help to disclose the illnesses and prevent them at an early stage.

In some military units (for example, in number N (artillery) unit) the record book on the servicemen who are transferred to other medical centers for receiving health care is not duly maintained.

As to the latter, it is noteworthy that when the contract soldiers visit the doctor and tell the doctor that they do not have any medical issues, their answer is enough for the doctors to state that the contract soldier is “in practice healthy”. The NPM believes that in this case the lack of some professional standards may produce some negative outcomes. NPM is very concerned about the fact that there are no cleaners and aid-men and the hospitalized soldiers have to clean up the medical centers.

In addition to the abovementioned shortcomings, in some of the medical units the medical centers are situated in overexploited buildings (e.g. medical center of number N military unit), where there is even no toilette available. There is only one medical room and no isolation room. The medical station can only provide first medical aid to the soldiers, in other cases they have to be hospitalized. They use dangerous chemical (chlorine) for disinfection of the military unit and the kitchen, which is alarming.

The NPM would like to state that the medical centers are not equipped with necessary furniture (there are few beds). Although therapeutic and surgical departments have been partially restored, the remaining parts, including the canteen, are in desperate need of renovation. The floors of the medical rooms are covered with concrete. Besides, even if the patient has infectious disease, he uses the same canteen, toilette and bathroom as the other patients.

During the interviews with the doctors, it became clear that there is a concern regarding personnel policy, which is due to the fact that physicians are conscripted to army and serve in such places, where there is no need of their specialized services. For example, the maxillofacial surgeon works as dentist, since there is no relevant position. Meanwhile, this specialist could have applied his skills in another hospital, where there was a real need of it. Thus, number N military hospital of Vanadzor has no traumathologist, psychologist and urologist, while the hospital also provides services for the military units of Tavush and Lori region. The building of the medical center is in a very bad

condition, particularly, the operating room also serves as a corridor, where the table, safe and corner for nurses is situated. Water is flowing in the whole sub-unit for infectious diseases, in one of the medical rooms and in the room of the bartender. There is no bathroom in the building. The X-ray cabinet, as well the toilette and bathroom are in poor condition. NPM believes that the issue of repairing the medical rooms is salient. The beds in the rooms are old, the posters are torn, there are no personal closets and the windows cannot be closed. The menu of the meals is also problematic, since the same meal is served at lunch and dinner (mashed potatoes), which they explain by the fact that potatoes are rotting. Such an approach cannot be considered acceptable.

## **SPCECIAL SCHOOLS, BOARDING FACILITIES AND ORPHANAGES**

The NPM has made numerous visits to special schools, boarding facilities and orphanages of Yerevan and Armenian regions, whereas in 2012, in 2013 the following main concerns were registered: insufficient state-funding, poor maintenance and care conditions, ineffective education in special schools, need of new and qualified staff. These and other issues are presented below. The list is not exhaustive.

The NPM is concerned with the poor maintenance conditions of the special schools and orphanages, which are not being improved for over years. These conditions not only create an unfavorable environment for the children's development but are sometimes dangerous for their health and life. Among the maintenance problems are the open sockets, the improper heating system, anti-sanitary conditions in bathrooms, lack of necessary sanitary and hygiene items, old furniture or lack of necessary equipment (especially in classrooms), the dirty linen in bedrooms, and no proper possibility for having shower (for example in "Number 1 educational complex", Number 3 Special School for t mentally handicapped children in Gyumri, Shirak region). The buildings and facilities of the given institutions need major repair. This issue is due to lack of financial resources (e.g. the Boarding care children's protection center named after Fridtjof Nansen of Gyumri, Number 8 "Educational complex for children with heavy speech disorders"). Besides, the current mechanism of state funding which is calculated according to number of children raises concern. Thus, states allocates funding to the schools depending on the number of children studying there, and as a result the general secondary schools

accept all the children notwithstanding the existence of some disabilities. The NPM believes that the current mechanism of allocation of funds is ineffective and may entail corruption risks. With regard to the issues of care and maintenance in the observed institutions, the NPM would like to highlight the number 2 Special school of Vagharshapat, which provides care for children between the ages of 6-18 and is under the control of the regional administration. The institution was founded in 1980, and only a part of it is operating, under poor safety conditions, and some of its walls may be brought down at any time. 92 children lodge and study in the school, while it could have accommodated more people if the building were repaired. The bedrooms of the children are in bad state, are almost not equipped with furniture, the only furniture are the iron beds, which are there because the building was initially intended to be a military hospital. The linen of the children is pretty dirty and there are no pillows, the children do not even have essential hygiene items, such as toothbrush, toothpaste, etc. There is no lightening in the bedrooms, all the lamps are out of order, are open and may be dangerous for the life and health of children. There are only several lamps that are in order on the whole floor. The sanitary condition of toilets and bathrooms of the school is poor. The classrooms also need to be repaired and equipped with furniture, the furniture intended for kitchen use is used in classrooms. Like the whole building, the kitchens also need to be repaired, moreover the kitchen operates whenever there is lightening, there is no lightening on some days. According to the cooks, when they learn that there will be no lightening, they arrange the food one day in advance. Some of the food is kept but not more than 24 hours. Proceeding from the above, the NPM recommends closing the number 2 special school of Vagharshapat, since the problems detected there, especially the poor safety conditions in which the buildings operate, show that the school does not serve its purpose.

The NPM would also like to highlight the school number 3 of Gyumri, which was built in 1988 at the time of the earthquake and was intended to solve some temporal issues, however it operates as of now. This fact seriously endangers the lives and health of children, hence, the NPM recommends to close the number 3 school of Gyumri, too.

During its visits the NPM has registered cases of inadequate food provision. The food for children is not served in necessary quantity and as a result they are often underfed. The NPM would like to stress the “Number 1 National Educational Center” which operated in the system of RA Ministry of Science and Education. The interviews with children have revealed that in this institution food is served in small quantities, and as a result the children are underfed. This issue is perhaps one of

the most salient in this field, which puts the physical and mental health of children under serious danger.

The issue regarding the arrangement of transportation for children, which was stressed back in 2012, also needs to be emphasized ( for example, in “Number 1 National Educational Center”, Number 8 “Educational complex for children with heavy speech disorders”, Number 1 Boarding School). The issue is no regulated by law either. Because of there is no transportation available, the children stay in schools since their parents do not have their own vehicles, this in its turn results in the gradual exclusion of children from their families. In some cases, the transportation costs are covered by the management of the institutions, which is not a solution to the issue.

The provision of children with clothing, stationary and other necessary accessories is a persistent issue. These items are purchased with the savings made by the management or in frames of the representative costs, which is not sufficient to solve the problem (e.g. “Number 1 National Educational Center”).

The cases of beating, ignorance, degrading treatment observed in the institutions is very alarming. The NPM addressed this issue also in 2012. In this regard, the NPM considers important to stress the case of “Children’s House” State Non-Profit Organization in Gyumri, where the interviews with children have revealed that those children of the orphanage who attend the number 6 Special school are being beaten there. The NPM reported about this to the head of the orphanage.

Another issue is the provision of proper medical care to children in special schools, boarding facilities and orphanages. The failure to arrange proper health care is due to numerous unresolved issues. Thus, as a rule there no defined standards for provision of medical services in these institutions, as a result the health care system is not properly arranged and medical care services is either arranged with the savings or upon personal requests (for example, “Number 1 National Special Educational Center”, “Zatik” children’s support center). In some cases the NPM has detected expired drugs, which a serious threat for the health of children (e.g. in “Number 1 National Special Educational Center”). The arrangement of dentist services is another issue which the NPM has observed. These services are provided either through charitable actions or are not provided at all. Thus, the care of children with mental disabilities requires some rehabilitation treatment (e.g. Special schools number 2 and 12). The arrangement of such kind of care in rehabilitation centers would cost much, meanwhile this care could be available in these schools, if there were a position of a therapeutic doctor and necessary equipment and facility for medical exercises.

Ensuring the presence of professional medical in these institutions is a salient issue. However, it remains unresolved over years and is an obstacle for the effective operation of the whole system. The problem is as a rule due to the low level of salaries paid to the professionals working in this field and the little interest among doctors to work in this field (for example, “Children’s House” State Non-Governmental Organization of Gyumri). The NPM would like to stress that in certain cases the children do not have access to free health care services (Children’s Care and Protection Special State Non-Governmental Organization number 1 of Vanadzor, which operates under the RA Ministry of Labor and Social Affairs). It is very difficult to arrange the treatment and provision of medical care to those children, who do not fall under a social aid program (which is a requirement for getting access to free health care) and do not have any financial means. The policy on providing free medical care and the grounds for it should be revised, in order to include those children in the program who are deprived of this opportunity.

Starting from 2012 the MPM has raised the issue of implementing effective educational programs in the institutions described in this chapter. The overall literacy rate of the children suffers as a result of these ineffective programs and they are deprived of the possibility to obtain a degree and a specialization in the future. One of the reasons for these issues is the incompatibility of the programs to the abilities of the children placed in these institutions (e.g. “Number 1 National Special Educational Center”). The NPM would also like to stress that in some cases (Educational Complex number 8 for children with heavy speech disorders), children, who have serious speech disabilities, have some communication difficulties, before they attend the educational complex and they are not admitted by any pre-schools. Thus, the issue of arranging pre-school programs for these children is topical. Besides, the NPM would like to state that the implementation of special educational programs and the necessary funds are not properly ensured (e.g. Special School number 6 for Mentally Handicapped Children, Special School number 2).

The absence of personnel, especially social workers and psychologists, and the lack of professional trainings for the staff, in the special schools, boarding facilities and orphanages visited by the NPM is still a salient issue. As results, the abovementioned institutions cannot properly ensure their mission (Boarding Institution number 2 for Children’s care and protection, “Children’s House” State Non-Governmental Organization of Gyumri).

In some places (Boarding School number 1) the NPM has observed cases when the buildings of the schools are not effectively exploited and for their purpose. The second and third floors of the

boarding schools are used by ten refugees and 2 local families, who are socially insecure. This presents some inconveniences for the operation of the school and the building of the school is not fully exploited. The management has many times requested the Ministry of Labor and Social Affairs to transfer the families to other places but they have notified the administration that there are no other places available for the abovementioned families, yet.

In some cases, the institutions discussed in this chapter encounter overpopulation problems (e.g. Special School number 1 for Mentally Handicapped Children in Spitak, “Children’s House” State Non-Governmental Organization of Gyumri).

The issue of providing the orphans with houses in the future is also worth to be considered. In fact, this problem is persistent. For example the interview with the head of the ““Number 1 National Special Educational Center” revealed that when children from orphanages are transferred to the complex to study there, they change their permanent address and register in the center. Later, when they graduate from the school they face the issue of obtaining a house from the state.

The NPM believes that the fact that there have been cases where the specialization of the schools did not correspond to the special needs of the beneficiaries. For example, children with non-serious mental disorders attend the ““Number 1 National Special Educational Center”, the Special School of Vagharshapat and other special schools. Meanwhile, these institutions are not intended for such kinds of beneficiaries. In another case, in the Special School number 1 for Mentally Handicapped Children of Spitak, the NPM has observed that despite its specialization health children also attend the school.

All the issues mentioned above manifest that the state agencies responsible for their solution do not implement consistent policies for solving them. Hence, the conditions which the NPM has observed in special schools, boarding facilities and orphanages may amount to cruel inhuman and and/or degrading treatment, which is unacceptable in modern democratic societies. The NPM believes that all the cases of violence should be severely punished, and in some institutions the heads should take measure to reveal, exclude and prevent such cases. Besides, in those cases, where the responsible officials would deliberately hide these cases, they should also be brought to account.

## **PSYCHIATRIC INSTITUTIONS AND CARE HOMES**

The members of the NPM have visited psychiatric institutions and care homes both in Yerevan and in the regions, have talked with the management, workers of different departments as well as the beneficiaries of these institutions. The NPM has also monitored the maintenance conditions of beneficiaries, studied the complaints that they address and talked with them in private. During the visits of 2013, the issues registered by the NPM were mainly the same as the ones of 2012, and are related to improper staff, inadequate maintenance and care conditions, ensuring occupation for the beneficiaries, employing means of deterrence in front of the other patients to exert psychological pressure on the patient, etc. The below is the list of issues, which is not exhaustive.

The NPM recorded that there were no proper maintenance and care conditions in the institutions visited, which was an obstacle for the implementation of the duties assigned to the institutions and created unfavorable environment for the beneficiaries. Particularly, the following issues were observed, the poor condition of the offices, kitchens and laundry rooms, the absence of libraries, gums (e.g. in the Avan psychiatric institution of Yerevan). Proper sanitary and hygiene conditions, as well as hygiene items are not available either (e.g. Nubarashen psychiatric clinic). There is a common issue regarding the constructing, repairing the buildings of the institutions and equipping them with furniture. There are insufficient funds to solve the issue (e.g. the Care Home Number 1, operating under the supervision of the RA Ministry of Labor and Social Affairs).

The psychiatric institutions and care home, where the NPM made visits, still encounter the issue of recruiting new personnel, especially hospital attendants, the number of which is not enough and this is an obstacle for arranging proper care of the beneficiaries (e.g. Psycho-Neurological Care Institution of Lori region). Moreover, as a rule the institutions in question often encounter the issues of absence of any qualification and organizational trainings for the staff. There is a need for recruiting new young professionals, as well as male hospital attendants (e.g. Psychiatric Institution of Nark, Care Home of Gyumri State Non-Profit Organization).

The NPM has again recorded issues with adequate food supply in the institutions in question, which may harm the health of beneficiaries (e.g. Psychiatric Institution of Nork). In some cases the beneficiaries eat food they receive from relatives in parcels, which is naturally not a solution (e.g. Avan psychiatric institution).

The NPM considers alarming the employment of means of deterrence in front of the other patients to exert psychological pressure on the patient. Such cases were also recorded during the visits in 2012. Particularly, in some cases the workers of the psychiatric institution tied the hands of patient to the bed with a belt and injected some sedative drugs right in front of the all the patients present in that room (e.g. Nubarashen psychiatric institution, Psycho-Neurological Care Institution of Lori).

The presence of expired drugs and multiple use of one syringe in the psychiatric institutions and care homes also raises concern. This may cause substantial harm to the health and life of the patients (Nubarashen Republican Psychiatric center, Care Home of Gyumri State Non-Profit Organization). Another issue that raises concern is that in some cases it is impossible to supplement the list of drugs approved for the whole year with new drugs (e.g. “Nork” Care Home State Non-Profit Organization).

The NPM is also concerned by the absence of proper measure to ensure the occupation of the patients, moreover, in some cases the bedrooms are exploited as entertainment rooms and kitchens. As rule, the activities for elders are limited to reading and watching TV (for example, “Nork” Number 1 Care Home State Non-Profit Organization, operating under the supervision of the RA Ministry of Labor and Social Affairs).

The NPM would like to stress the issue of social exclusion, mainly the impossibility of maintaining contact with families, of the beneficiaries in the visited psychiatric institutions and care homes. This leads to isolation of these people from the society and social ignorance towards them (Nubarashen Republican Psychiatric Center, operating under the supervision of the RA Ministry of Labor and Social Affairs).

The issue of equipping the institutions discussed in this chapter with ramps is still persistent. This violates the right to entry of persons with disabilities (e.g. Nork Psychiatric Institution, Home of Gyumri” State Non-Profit Organization).

Among other issues, the psychiatric institutions and care homes encounter overpopulation problems. All the psychiatric institutions visited by the NPM were overcrowded, which particularly was conditioned by the absence buildings, the poor conditions of the available buildings or/and their non-target exploitation.

The fact that in some cases people under criminal prosecution, who are placed in psychiatric institutions for compulsory medical treatment by a court order to hold their insanity, co-habit with other patients, raises concern(for example, Nork Psychiatric Institution).

The NPM is concerned that there are no special units in the psychiatric institutions intended for minors, which would prevent the cohabitation of minors and adults. Thus, during its visits the NPM has observed cases in some psychiatric institution, when an adult who was accused for a crime was held with a minor.

The fact that patients with mental disorder under care are kept with patients who have serious or chronic mental illness is also alarming. The absence of special maintenance conditions may have a negative impact on the persons with menthol disorder and hinder their treatment.

## **RECOMMENDATIONS**

To eliminate the omissions and deficiencies listed in the report, it is recommended to:

### **Penitentiary institutions under the RA Ministry of Justice**

- Take measures to resolve the issue of overcrowding, which is the main reason for violence and inhuman treatment in penitentiaries. Particularly, measure should be taken to improve the conditions of the building, to study and apply international practice, which suggests creation of smaller penitentiary institutions. Legislative amendments should be adopted to reduce prison population, the types of alternative measures of prevention should be increased and applied in practice, and the possibilities of replacing detention by milder forms of punishment should be increased.
- Eliminate the disproportion of the number of detained persons to the staff of penitentiary institutions.
- Improve the maintenance conditions of the prisoners, as well as the working conditions of the PI staff.
- Ensure that the right to walk set by law is secured.
- Eliminate the possibility of using quarantine cells as punishment and/or isolation cells
- Eliminate the possibility of holding prisoners, who had gone on hunger strike as a protest to the maintenance conditions, in punishment cells, and take measures to define their rights and responsibilities in the law and ensure the application of this law in practice.
- Eliminate the possibility of inaccurate maintenance of record books.
- Take measure to ensure the stable and effective communication between the convicts and prison administration.
- Ensure the occupation of persons held in PIs (work, sports, household, etc.).
- Eliminate the issues regarding the provision of inadequate food in PIs.
- Improve the health care quality in the PIs, ensuring availability of necessary drugs, equipment, as well take measures to ensure that the complaints of prisoners about their health receive proper feedback by the prison administration.
- Take measure to provide adequate food to prisoners to those persons deprived of liberty who are transferred to court for the trial.
- Take measures to equip the PIs with special facilities for prisoners with physical disabilities, for ensuring their right to freedom of movement.

### **Police Departments, Detainee Units**

- Ensure that the record books about the persons brought to police department are properly maintained.
- Eliminate the vicious practice of holding the suspects in the police departments for more than the 3 hours set by law.
- Eliminate the cases when the suspects are kept in detainee units for more than 72 hours.
- Ensure the proper maintenance of detainee units.

- Take measures to improve the poor conditions in the detainee units, the inadequate food provision, the ineffective methods preventing the transmission of prohibited items, and the inadequate drug provision.
- Eliminate the practice of transferring the suspects personal vehicles of the police employees, which violates the procedure set by law
- Ensure that medical examination is properly conducted in detainee units.
- Ensure the availability of medical personnel in detainee units.
- Ensure relevant conditions for the maintenance of female prisoners.
- Ensure that there are female police officers in the PI, who will conduct the external and personal search of the suspects and lead them to toilettes, etc.

### **Military Units under the RA Ministry of Defense**

- Take measures to ensure the application of the RA Law on Disciplinary Code of RA Armed Forces for eliminating self-imposed hierarchy among the servicemen.
- Take measures to ensure appropriate living conditions in the military units under the RA Ministry of Defense.
- Take measures to improve the conditions in the disciplinary battalion.
- To ensure provision of sufficient medical care, including supply of drugs, medical equipment and personnel, in the military units under the RA Ministry of Defense
- Address the issue of overload of doctors working in military units
- Ensure that record books of medical care are properly maintained.
- Make the vaccination undertaken during the conscription earlier – before the conscription, which would permit the body to adapt to the new environment.
- Eliminate the possibility of violation of the legally defined terms for holding the soldiers in military police departments.
- Take urgent measure to prevent cases of death in the military units under the RA Ministry of Defense during peacetime.

### **Special schools, boarding institutions and orphanages**

- Ensure proper conditions of care and maintenance in special schools, boarding institutions and orphanages.
- Make sufficient budgetary allocation to the given institutions for ensuring the effective implementation of their functions
- Replace the current financing system in accordance to the number of children with a more efficient mechanism to eliminate corruption risks.
- Revise the standards of food provision for children to ensure that children have access to adequate food.
- Provide vehicles to the special schools, boarding institutions and orphanages
- Take measures to provide children in these institutions with clothing other accessories and stationary.
- Eliminate case of beating, ignorance and degrading treatment in the t given institutions
- Ensure that special schools provide access to individual rehabilitation treatment

- Improve the health care conditions in special schools, boarding institutions and orphanages, and ensure that they comply with the standards defined by the RA Ministry of Health, which would in its turn ensure the presence of necessary qualified medical staff.
- Ensure administration of effective educational programs in special school, which would take into account the level of literacy of children.
- Take measure to implement the special educational programs provided for special schools and to secure proper resources for them.
- Take measure to address the issue of recruiting new staff in the given institutions, namely psychologists and social workers, and to address the issues of non-availability of professional trainings for the staff.
- Ensure the effectively and purposeful exploitation of buildings of boarding institutions.
- Regulate the issue of providing the children from orphanages with shelters in the future.
- Ensure regularly that the specialization of the schools and the needs of their beneficiaries correspond to each other.

### **Psychiatric institutions and care homes**

- Take measure to improve the poor care and maintenance conditions in the given institutions.
- Recruit new professional and qualified staff in the psychiatric institutions to improve the quality of care offered to beneficiaries.
- Take measures to ensure adequate food provision in psychiatric institutions and care homes.
- Eliminate the practice observed in some psychiatric institutions of employing means of deterrence in front of the other patients to exert psychological pressure on the patient.
- Eliminate the presence of expired drugs and multiple use of a syringe in psychiatric hospitals and care homes.
- Address the issue of occupation of the persons maintained in the given institutions.
- Take measures to address the issue of the social exclusion among the beneficiaries of psychiatric institutions and care home, especially the broken relations with their families, to eliminate the social isolation and social ignorance towards the beneficiaries.
- Equip all the psychiatric institutions and care homes with ramps.
- Take measures to address the issue of overcrowding present in all the psychiatric institutions and care homes.
- Eliminate the possibility of cases when people under criminal prosecution, who are placed in psychiatric institutions for compulsory medical treatment by a court order to hold their insanity co-habit with other patients.
- Provide special rooms intended for minors in the psychiatric institutions, which would prevent the cohabitation of minors and adults.
- Provide for special conditions to separately maintain patients with mental disorders the patients who have serious or chronic mental illness, through creating specialized units or centers.

## **APPENDIX 1**

### **INSTITUTIONS VISITED**

In 2012 the NPM has visited the following institutions:

#### **Penitentiary institutions**

- “Nubarashen” penitentiary institution
- “Yerevan-Kentron” penitentiary institution
- “Prisoners’ Hospital” penitentiary institution
- “Vardashen” penitentiary institution
- “Erebuni” penitentiary institution
- “Vanadzor” penitentiary institution
- “Abovyan” penitentiary institution
- “Hrazdan” penitentiary institution
- “Artik” penitentiary institution

#### **Police Institutions**

- Detainee Unit of Yerevan Police Department
- Police Department of Kentron administrative district, Yerevan
- Police Department of Nor Nork administrative district, Yerevan
- Police Department of Shengavit administrative district, Yerevan
- Police Department of Malatia administrative district, Yerevan
- Police Department of Erebuni administrative district, Yerevan
- Police Department of Kanaker-Zeytun administrative district, Yerevan
- Vanadzor Police Department (Detainee Unit)
- Tumanyan Police Department (Detainee Unit)
- Tashir Police Department (Detainee Unit)
- Stepanavan Police Department
- Spitak Police Department (Detainee Unit)
- Abovyan Police Department (Detainee Unit)
- Hrazdan Police Department (Detainee Unit)
- Artik Police Department (Detainee Unit)
- Akhuryan Police Department (Detainee Unit)
- Armavir Police Department (Detainee Unit)
- Vagharshapat Police Department (Detainee Unit)
- Ani Police Department, Maralik

#### **Military units, military hospitals and military police departments under RA Ministry of Defense**

- Military Unit Number 47379
- Military Unit Number 54574

- Military Unit Number 28920
- Military Unit Number 68617
- Military Unit Number 55565
- Military (Artillery) Unit Number 51556
- Military Unit Number 25149 , Regiment of Radio communication
- Military Unit Number 80046, Regiment of Radio communication Intelligence
- Military Unit Number 63853, Artillery Regiment of Lori region
- Military Unit Number 55035, Gyumri
- Military Unit Number 96583, Gyumri
- Military Unit Number 55261, Artillery Training Unite, Lusakert
- Artillerists' Military Unit Number 5507, Balahovit
- Military Unit Number 13516
- Radio Equipment Military Unit Number 40359
- 'Zenith' Rocket Military Unit Number 43755
- Military Unit Number 26040
- Military Unit Number 40359, Vagharshapat
- Cooking Training Military Unit Number 56952
- Military Unit Number 6092, Armavir region
- Military Unit Number 24923
- Disciplinary Battalion of Hrazdan
- Yerevan Military Police
- Disciplinary Unit of Yerevan Garrison
- Communication Regiment (Kanakaner)
- Arshavir Military Police Number 29500
- Kotayk Military Police
- Vanadzor Military Police
- Shirak Military Police
- Military Hospital of Yerevan Garrison (Kanaz Hospital)
- Vanadzor Military Hospital Number 72035
- Muratsan Central Military Hospital Number 14203

### **Special School**

- Republican Special School Number 1 , Yerevan
- Republican Special School Number 2, Yerevan
- Special School for Mentally Handicapped Children Number 2, Yerevan
- Special School for Mentally Handicapped Children Number6, Yerevan
  - Special School for Children With Heavy Speech Disorders Number 8
  - Special School for Mentally Handicapped Children Number 11, Yerevan
  - Special School Number 12, Yerevan
  - Special School Number 16, Yerevan
  - Special School Number 17, Yerevan
  - “PoqrMher” Educational Center
  - Special School for Children With Listening Disorders, Yerevan

- Medical Psychological Pediatric Center, Yerevan
- Vanadzor Special School Number 12, Lori region
- Special School for Mentally Handicapped Children Number 1, Spitak Lori region
- Special School for Mentally Handicapped Children Number 1, Abovyan, Kotayk region
- Special Center Number 1, Artik, Shirak region
- Special School for Mentally Handicapped Children Number 3, Gyumri, Shirak region
- Special School State Non-Profit Organization, Armavir, Armavir region
- Special School Number 2, Vagharshapat, Armavir region

### **Orphanages**

- “Mari Izmiryan” Orphanage, Yerevan
- Vanadzor Orphanage State Non-Profit Organization, Lori region
- “Children’s House” Orphanage, Gyumri, Shirak region
- “Zatik” Child Support Center
- “Child House”, Yerevan

### **Psychiatric Institutions**

- Nubarashen Psychiatric Center
- “Nork” Psychiatric Institution of Yerevan
- “Avan” Psychiatric Institution of Yerevan
- Regional Psychiatric-Neurological Institution of Lori

### **Care Homes**

- Care Home Number 1 of Yerevan
- “Nork” Care Home State Non-Profit Organization
- Elders’ Care Home under RA Ministry of Labor and Social Affairs, Gyumri, Shirak region

### **Boarding Facilities**

- Boarding Care and Child Protection Center Named after Fridtjof Nansen, Gyumri, Shirak region
- Child Care and Protection Number 1 Boarding Institution (RA Ministry of Labor and Social Affairs), Gyumri, Shirak region
- Child Care and Protection Boarding Institution, Dilijan, Tavush Region
- Number 1 Boarding Institution
- Child Care and Protection Number 1 Boarding Institution State Non-Profit Organization, Vanadzor, Lori region
- Child Care and Protection Number 2 Boarding Institution
- Child Care and Protection Number Boarding Institution of Byureghavan State Non-Profit Organization