

TORTURE PROHIBITION, ACCESS TO JUSTICE, INDEPENDENCE OF JUDICIARY AND CORRUPTION IN ARMENIA

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UPR Info Pre-sessions

Armenia – Prohibition of torture and access to justice


- The legislative framework is not in full compliance with UNCAT
- The former investigation agency has been demolished, the current one does not have sufficient capacity and independence
- Many reports about police abuse in the departments and outside, the investigations are weak

Recommendations – Prohibition of torture and access to justice

- Amends the Criminal Code to criminalize other forms of ill-treatment, including cruel, inhuman, and degrading treatment in line with UNCAT standards,
- Enhances the capacity and independence guarantees of investigators to investigate effectively torture and ill treatment reports.
- Amends the legislation to ensure permanent audio-visual recording in the police departments, prolongs the storage of the recorded videos to support the investigation into potential police abuses.

Armenia– Independence of judiciary and corruption

- The Government adopted Legal and Judicial Reforms Strategy and Action Plan 2019-2023 and Anti-corruption Reform Strategy and Action Plan 2023-2026. Integrity check mechanisms were introduced for candidates and all sitting judges, prosecutors and investigators.
- A wholistic institutional framework has been created for combatting corruption, including Corruption Prevention Commission, Anti-corruption Committee (specialized investigative body), specialized department in the General Prosecutor's office, the Anti-corruption court, as well as special department in the General Prosecutor's office for non-conviction-based asset forfeiture.
- The anti-corruption policies are debated on the level of the senior leadership of the country. The Prime Minister spearheads the Anti-corruption policy Council that tracks the progress of the reforms. CSOs are also represented in this Council.

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- The integrity checking procedures for judges, prosecutors and investigators lack sufficient accountability and are not open to public.
 - The key corruption prevention agency lacks sufficient resources and capacity to execute its functions effectively.
 - The quality and impartiality of the disciplinary proceedings against judges are problematic. Differentiated treatment and lack of civilian oversight are key issues here.
 - The state does not ensure transparency and accountability around the further allocation and use of the ill-gotten assets which are recovered by the law enforcement.

Recommendations – Independence of judiciary and corruption

- Publicize the concluding parts of integrity checks for judges, prosecutors and investigators; oblige the Supreme Judicial Council to substantiate their decisions on appointment and promotion of judges.
- Allocate sufficient resources to Corruption Prevention Commission to ensure efficiency of their work.
- Improve the quality of disciplinary proceedings against judges through ensuring transparency of all motions, increase the number of NGO members of the Ethics and Disciplinary Commission and revise their selection mechanism.
- Develop an institutional framework for accountable and transparent management of the recovered assets by the Government, include CSOs in deciding further use of the recovered assets.

Thank you

From all the members of our coalition:

- ❑ *Democracy Development Foundation, Disability Rights Agenda NGO, Real World, Real People NGO, Center for Rights Development NGO, Transparency International Anti-Corruption Center NGO, Protection of Rights without Borders NGO, Helsinki Citizens' Assembly-Vanadzor office NGO, Analytical Centre on Globalization and Regional Cooperation NGO, For Equal Rights Educational Center NGO, Public Journalism Club NGO, Union of Informed Citizens NGO, Coalition to Stop Violence against Women, Public Board for Monitoring of Penitentiary Institutions, Peace Dialogue NGO, "Asparez" Journalists' Club NGO, New Generation NGO, Law Development and Protection Foundation*