

Human Rights Defender Releases 2011 Annual Report _ RA Ministry of Justice

Defender's assessment of the developments in the activities of the RA Ministry of Justice in 2011

Shortcomings and problems identified

- The RA Ministry of Justice has not taken sufficient measures for increasing notary service quality. The notary offices required from citizens different-sized payments for the same notary service.
- In some cases demanders' rights have been violated by the Compulsory Enforcement Service (CES) employees; as a result the judicial acts' requirements continued to remain undone or done partially. In certain cases the CES did not take appropriate measures to reveal fugitive debtors. Compulsory electronic auctions objectivity was often controversial, which caused also corruption. The CES continued its inactivity towards public officials in cases the latter did not carry out verdict requirements.
- In some cases the Civil Status Acts Registration (CSAR) bodies, the Compulsory Enforcement Service, State Register Agency continued illegally demanding from citizens notary confirmed certificates, which is contradicting Article 23 of the RA law "On Administration Principles and Administrative Procedure".
- In some cases Civil Status Acts Registration bodies continued to require from citizens non-binding legal documents (mainly in cases of marriage registration, change of names and surnames). In addition, the quality of services in some Civil Status Acts Registration Agency departments was very low, unregulated working schedule, creation of unnecessary queues, etc which resulted from the lack of proper control.
- Though, a single window system was invested in the State Register Agency, however, confusion and overcrowding occurred due to insufficient number of serving officers.
- In Penitentiary Institutions (PI) the medical aid and the quality of food for detainees and convicted persons were not sufficient. Insufficient living/communal conditions were registered in some PIs.
- During parcels giving, cells' airing and other cases in PIs corruption phenomena took place.
- The right to walk for persons sentenced to life imprisonment was sometimes given 2-3 times a week instead of 7.
- An alarming fact is that in the "Prison Hospital" PI- under the RA Ministry of Justice- the separate unit providing specialized medical service to the RA Ministry of Justice "Abovyan" PI and the "intensive care department" were absent.

- Though the Ministry of Justice offered long-term reform program for judicial system, some proposals of which can promote more efficient realization of the right to a fair trial, however, the Ministry has not taken sufficient and actual measures for elimination of existing defective phenomena in the system; in particular it has not sufficiently realized the authority of holding disciplinary proceedings against judges.

Positive Developments

- The Inspectorate of Staff Legality Control has been established in the RA Ministry of Justice.
- Reception of citizens and provision of applications' and complaints' proper processing have been organized by the Ministry in a systemic way.
- Working groups for analyzing decisions made by the RA Constitutional Court and the European Court of Human Rights, with the aim to comply domestic legislation with the requirements of the decisions of the mentioned bodies. In particular, on the basis of Constitutional Court decisions, analyzed by the working group, the RA Government was presented with some proposals on amending the existing legislation.
- The RA 1990-95 Legislation was inventoried, analyzed, and proposals were introduced to all interested bodies in a form of a legislative initiative.
- New order and standards of training of notary candidates and appointment in notary position were set down, rates for notary services have been reviewed, and fixed rates for those services were set down and clarified. Citizens' complaints addressed to the Ministry of Justice were analyzed, and proper orders, based on them, were given simultaneously strengthening control over notary.
- Since April 2011 a single window principle has been installed in the State Register of Legal Entities, the possibility to make the registration of legal entities electronically (just in a few minutes), as well as simplification of all current procedures and terms reduction were carried out.
- Terms of registration of marriages and the number of required documents as well as the list of required documents for changing names were reduced; starting from December 1st the Civil Status Acts Registration territorial bodies started carrying out their work with the new electronic management system.

- In Penitentiary Institutions renovative and reconstructive works continued to be carried out, the number of rooms for long-term visitations was increased, medical center in some penitentiaries were staffed with modern equipment, as well as sufficient amount of medication was provided.
- The number of prisoners working in industrial, agricultural and bakery sections of “Support to Prisoners” Foundation branches was increased from 236 (as of 2010) to 271 in 2011.

Karen Andreasyan,

Human Rights Defender

Republic of Armenia

of the

The list of the identified positive developments, gaps and shortcomings is not exhaustive.

The introduced Chapter (3) of the HRD Annual Report 2011 is available in full at www.pashtpan.am.

Summary of the HRD Annual Report 2011 Chapter 18 concerning the activities of the RA Ministry of Defense will be published next.

The HRD Annual Report 2011 was developed based on the complaints received by the Staff of the Human Rights Defender, legislation analysis, trustworthy and non-disclaimed publications in press, reports of the international and local organizations as well as information received during the interviews with field specialists and human rights defenders.

Staff of the Human Rights Defender
of the Republic of Armenia

Address: 56A Pushkin str, Yerevan, Armenia

Tel: (37410) 53 88 42; (37477) 36 11 49

Email: s_harutyunyan@ombuds.am

siranush.harutyunyan@yahoo.com

Website: www.pashtpan.am