

### **JUVENILE JUSTICE SYSTEM (Belgium)**

In the Draft Criminal Procedure Code a separate chapter regulates the criminal procedure attributed to minors. By the Draft the Juvenile Justice is a subject to comprehensive regulation. A lot of changes have been made in this area in comparison with the current legislation.

Firstly, Article 419 states that the participation of a defender and *lawful representative* in proceedings related to a crime attributed to a *minor shall be mandatory from the moment of arresting such person and presenting the accusation to him.*

The further changes are concerned to the provisions regarding arrest or detention of minors, as well as regarding *Educational Coercive Measures.*

A bulk of changes have been made in provisions concerning to the questioning of an accused, in particular an accused minor shall be performed with the participation of a defender and a *psychologist* as well as his lawful representative.

Besides, in proceedings related to a crime attributed to a minor, the court sessions shall be held in camera. A court session that is open to the public may be conducted only by petition of the accused who is a minor or of his defender or lawful representative, unless it would harm the interests of the minor.

Legal reforms related to the juvenile crime are also conducted within the scope of the New Criminal Code. The Concept tends to expand the practice of applying the enforced disciplinary measures against juveniles and to limit the possibility to sentence the minors to imprisonment.

### **JUVENILE PROBLEMS IN PRISON-LACK OF EDUCATION-ILL-TREATMENT**

The number of juveniles in prisons in Armenia has been decreased significantly due to complex legal and procedural policies and this approach is being maintained.

Parallel, measures of improvement of services and conditions for juveniles in prison also have been taken. There is one prison for juveniles in Armenia which has different educational infrastructures within it: school, workshop rooms, sport hall, art club. The scope of educational services for juveniles has been enlarged, and it involves secondary education, vocational training, art, sport educational programs. Many efforts have been taken to avoid any ill-treatment towards juveniles. Also the mechanisms are provided for juveniles to address their complains to different authorities, human rights defender, NGOs, prison monitoring group and etc.

## **TORTURE, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (Belgium, Czech republic, Germany)**

1. Criminal Code has been amended . In this respect, all public officials who engage in conduct that constitutes torture will be charged accordingly. The amended article imposes suitable penalty for such acts (from four to eight years of imprisonment, as well as deprivation of the right to hold certain posts or practice certain activities for up to three years). Moreover, in contrast with the existing legislation, which stipulates the private criminal prosecution for cases of torture where the sole ground for the initiation of criminal proceedings is the victim's complaint, the Draft CCP considers cases of torture as a subject of public criminal prosecution, which is initiated by a decision of the Prosecutor. This can be considered as an additional guarantee for ensuring the initiation of criminal proceedings in each such case.
2. According to the existing case-law of the Court of Cassation, made on 18/12/2009, a person, from the moment of entry into the administrative building of a body that has the power to conduct the proceedings and before acquiring a legal status of arrested or detained person, acquires a preliminary status of a "brought" person and shall be granted the minimum rights.
3. Special Investigation Service of Armenia has a specialised unit- Investigation Department of Torture, which conducts preliminary investigation of the cases of ill-treatment.
4. In addition to the mentioned, it has to be emphasised that the Order of the Head of the Police, dated on November 2013, *"On Ensuring the Application of Legal Standards of the European Committee for the Prevention of Torture"* stated additional guarantees which should be ensured by investigative bodies.

### **PRISON CONDITIONS /Spain/**

The issues of improving the conditions of the places of detention and bringing them in line with international standards, solution of the problem of overcrowding at the penitentiary institutions are among priorities of the Government. "Armavir" penitentiary institution, intended for 1200 convicts, has been constructed. The administrative, quarantine, clinical units and the residential unit intended for 400 convicts of the penitentiary institution exploited in November 2014 and by the end of 2015 a residential unit intended for 800 convicts will be exploited, which will solve the problem of overcrowding at the penitentiary institutions.

### **ON MEDICAL SERVICES IN PRISONS**

The Government is actively engaged in efforts aimed at ensuring proper organisation of medical sanitary and medical preventive assistance for detained persons and convicts.

On August 2011, the Government adopted Decision No 33 has defined the measures and approved the timetable for implementation of measures, in particular: continuously improving legal acts regulating the field of medical services for detained persons and convicts, finalising the elaboration of standards for assessing and checking the quality of medical services and introducing them in the penitentiary system;

1. The Global Fund has implemented continuous HIV/AIDS, as well as tuberculosis prevention programmes among detained persons and convicts held in penitentiary institutions.
2. In 2014, the Ministry of Justice conducts negotiations with the Council of Europe for improving the logistics of and legal framework for medical subdivisions of the Penitentiary Service, as well as for modifying the existing models and re-equipment thereof. Since September, trainings for employees of medical subdivisions of the Penitentiary Service have been conducted.

#### **FREEDOM OF RELIGION IN THE LIGHT OF THE ECHR CASE LAW IN RESPECT OF ARMENIA (Netherlands)**

In order to prevent violations of the right to freedom of religion of conscientious objectors on account of their imprisonment for refusing to do military service, as well as to put domestic legislation in conformity with international standards Armenian authorities have undertaken appropriate measures. As of May 2, 2013 the Law on "Alternative Service" has been amended with the purpose of enhancing the legal protection of those who refuse to service in armed forces on account of their religious views and beliefs.

The respective provision distinguishes between "*alternative military*" and "*alternative civilian*" services. Accordingly, "*alternative military service*" may be performed by those citizens to whose religious beliefs are contrary to carry, keep or use arms. *As to* those citizens, to who's religious beliefs are contrary to do military service at all, can perform *alternative civilian service*. The term for alternative military service has been reduced from 36 to 30 months; and for alternative civilian service - from 42 to 36 months..

In addition, the Armenian authorities have undertaken appropriate measures to remedy the situation of those conscientious objectors, who have been subjected to criminal responsibility prior of the entry into force of the Law on "Alternative Service".

## **EXCESSIVE LENGTH OF PRE-TRIAL DETENTION**

The problem of excessive length of pre-trial detention has been regulated in the Draft Criminal Procedure Code.

Article 118 of the Draft determines detention as an exceptional measure of restraint, according to which: "Detention may be applied only in case the application of alternative restraint measures is impossible or insufficient for preventing the illegal conduct of the Accused". Moreover, the paragraph 4 of the above mentioned article underlines that the due diligence exerted by the Body Conducting the Criminal Proceedings as well as the necessity of continuing the criminal prosecution must be justified in front of the Court when prolonging the detention.