



## HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA

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Nº 2-51

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**Subject: Response to the draft general comment on the article 4 of the OPCAT regarding the obligations of States parties to the OP as they pertain to the definition of places of deprivation of liberty.**

Dear Ms. Jabbour,

On behalf of the National Preventive Mechanism of the Human Rights Defenders Office of Armenia, I wish to express our appreciation for the opportunity to comment on the draft general comment on Article 4 of the OPCAT, specifically with regard to the obligation of State parties to include all places of deprivation of liberty in the definition of such places.

We welcome the initiative of the SPT to develop this general comment, which will provide valuable guidance on the implementation of Article 4 of the OPCAT. As a state party to the OPCAT, Armenia recognizes the importance of preventing torture and other cruel, inhuman, or degrading treatment or punishment, and is committed to implementing the provisions of the Protocol.

We fully endorse the SPT's recommendation that State parties should adopt a broad definition of places of deprivation of liberty that encompasses all forms of detention or confinement, including those that may not be immediately apparent, such as those that are involuntary or informal. These are all critical areas that require closer scrutiny and effective monitoring to prevent torture and other forms of ill-treatment. Adopting a wider interpretation of the concept of places of deprivation of liberty is crucial to preventing torture and other forms of ill-treatment, promoting transparency and accountability, and ensuring that individuals are able to exercise their human rights and fundamental freedoms.

As an NPM, we are committed to carrying out our mandate to monitor and inspect all places of detention within our jurisdiction, including those that fall outside the traditional criminal justice system or involve non-state actors. Armenian legislation defines places of deprivation of liberty as any place where a person is deprived of their liberty, including prisons, detention centers, psychiatric hospitals, and social care institutions (be it under state or private supervision). The Constitutional provision on the Human Rights Defender, which was adopted in 2017<sup>1</sup>, expanded the definition of places of deprivation of liberty to include any place where individuals may be deprived of their liberty, including any place

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<sup>1</sup> <https://www.arlis.am/documentview.aspx?docid=123524>

which a person cannot voluntarily leave without the order or permission of a court, administrative or other body or official. This wider definition has significantly facilitated the NPM to better fulfill its mandate to prevent torture and other forms of ill-treatment in all places where people are deprived of their liberty.

The Human Rights Defender of Armenia as the NPM considers the general comment as very important and would like to express its gratitude to the committee for providing further clarification to the definition of places of liberty under Article 4.

Please accept the assurances of my highest and most distinguished consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'A. Manasyan', with a long, sweeping flourish extending to the right.

Anahit Manasyan

**Ms. Suzanne Jabbour,**  
**The Chairperson of the Subcommittee on Prevention of Torture**