



**HUMAN RIGHTS IN PATIENT CARE:
A User-Friendly Guide for
arrested and detained people**

Yerevan 2010

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INTRODUCTION

Human rights are natural and inherent to all human beings. Some rights of arrested and detained persons could be restricted by the law, however, according to the 1948 Universal Declaration of Human Rights and Constitution of the Republic of Armenia, natural rights such as the right to life, the right to personal privacy, family and home, to information, to freedom of expression, to confidentiality of personal data, the right to receive medical care and service of all people including those living in prisons, shall not be a case. Everyone has the right to health regardless of their legal status. Thus, incarcerated people like others in civil society have the full scope of the right to receive medical care and service stipulated by both Armenian domestic legislation and International Treaties..

It is no secret that arrested and detained persons often face violation of their rights, including those when receiving medical help. In the real life, many of rights stipulated by law are not being carried into practice, and arrested and detained people are well-aware of that.

Unfortunately, it is obvious that arrested and detained persons are very vulnerable in terms of common violation of their human rights. There are reported and much more unreported cases indicating that those people often become subject of discrimination and degrading attitudes from the prison staff including medical personnel. They have no clear understanding of their own rights as well as responsibilities of physicians of penitentiary institutions. Low level of awareness on main standards of health rights leads to common tolerance towards violation of rights of prison population and further increase of unreported cases.

There are many reasons leading to such a situation – gaps in legislative acts or implementation mechanisms, law awareness level among citizens on their rights etc. Moreover, there are even cases when one is not able to make differentiation between the norms and violation of those norms.

Within the all scope of legal wrongs there are ones where *human rights* become the object of violation despite these rights are inherent to all human beings at birth and inalienable. Nobody can bereave one of his or her natural rights - to life and health, to personal privacy, family and home, to information, to freedom of expression, to confidentiality of personal data etc. *The right to health* is the same human rights in health settings when one receives medical help and health services. Everybody have the right to health without distinction of any kind such as sex, nationality or his or her status of being arrested or detained.

The brochure is developed for arrested and detained people and aims to improve their level of awareness on their rights while receiving medical care. We believe that having enough knowledge on their own rights would be the first step to defend against ignorance or violations of those rights. The brochure also brings important quotations of relevant legal acts and other documents.

If you find hard to understand statements or ideas in this brochure and need further clarification while browsing the brochure, please feel free to visit us or contact with our legal practitioner (Ms. Violeta Zopunyan, phone: 621635, email: zopunyan@healthrights.am).

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The Right to Health as Human Rights

According to the Armenian legislation, arrestees and detainees shall be kept under arrest or detention on the basis of principles of legality, equality of arrestees or detainees before the law, humanitarianism, respect for human rights, freedoms and dignity, and in compliance with the well-known principles and norms of international law. They shall not be a subject of physical violence as well as inhuman or degrading actions.

REMEMBER

Arrestees and have the rights, freedoms and responsibilities of citizens of the Republic of Armenia with restrictions defined by the legislation of the Republic of Armenia.

Please note that “to restrict arrestees’ or detainees’ rights” is not the same as “to deprive them of their rights”, and incarceration could not be a source of depriving them of their natural rights, including their human rights in receiving medical care and service.

Article 38 of Armenian Constitution states that *everyone shall have the right to benefit from medical aid and service under the conditions prescribed by the law*, which means that all citizens of Armenia has the right to health with no discrimination; the only difference could be in methods and legal provisions of provided health care. The right to health is acting during the entire period of imprisonment. The right of arrestees and detainees to medical-sanitary care shall be provided in accordance with the legislation of the Republic of Armenia and international regulations. At the same time, **Article 4 of the Law on Medical Care and Service to Population** defines that everyone has the right to receive medical care and service without discrimination. And, **Article 5 of Law on Police** states that, when necessary, the Police shall take measures to render medical or other assistance to them.

THIS IS THE LAW !

The Law of the Republic of Armenia on Police, 16.04.2001

Article 5. The Activity of the Police and the Rights of the Citizens

...

The Police shall be obliged to enable the detained or arrested persons to exercise their rights to receive legal assistance, inform their close relatives and the administration of their working place or educational institution about their whereabouts in accordance with the legislation. In case if necessary, the Police shall take measures to render medical or other assistance to them as well as to eliminate any danger threatening the life, health, property of a person or the members of his/her family associated with the detention or arrest.

The Police shall not be authorized to collect, maintain, use and disseminate information concerning the personal and family life of a person except the cases defined by the law.

The Police shall be obliged to enable a person to get familiarized with the documents and materials directly connected with his/her rights and freedoms, if not otherwise foreseen by the law.

The Police staff is prohibited to put to the torture, to do violence, exercise other cruel means humiliating the human honor and dignity. Such actions create liability, as specified in the law.

The Law of the Republic of Armenia on Medical Care and Services of Population, 04.03.1996

Article 5. Human rights while receiving medical care and services

While requesting medical care, as well as while receiving medical care and services, everybody has the right:

- a) to choose medical care and service provider;
- b) to receive medical care and services in conditions meeting the requirements of hygiene
- c) to demand confidentiality regarding consulting with a physician, state of his/her health, and information gained during examinations, diagnostics and treatment, except for cases stipulated by the legislation of Republic of Armenia
- d) to be informed about his/her disease and to give his consent for medical intervention;
- e) to refuse to receive medical intervention except in cases stipulated by this law
- f) to be treated with respect by medical care and service providers.

Article 12. Right of arrested and detained persons to receive medical care and services

Medical-sanitary aid to arrestees and detainees shall be provided in accordance with the legislation of the Republic of Armenia and internal regulations...

The Law of the Republic of Armenia on Keeping Arrestees and Detainees, 06.02.2002

Article 2. General principles for keeping arrestees under arrest and detainees under detention

Arrestees and detainees shall be kept under arrest or detention on the basis of principles of legality, equality of arrestees or detainees before the law, humanitarianism, respect for human rights, freedoms and dignity, and in compliance with the Constitution of the Republic of Armenia, the Criminal Code and the Criminal Procedural Code of the Republic of Armenia, and the well-known principles and norms of international law.

It shall be forbidden to use physical violence, as well as inhuman or degrading actions towards arrestees or detainees.

The procedures and conditions for keeping arrestees and detainees under arrest and detention, set out in this law, shall be applied to all arrestees or detainees regardless of their nationality, race, sex, language, religion, political or other views, social origin, property or other status.

Human Rights of Arrested and Detained People in Receiving Health Care

Article 21 of the Law on Keeping Arrested and Detained Persons is related to medical care and personal hygiene issues. **Article 13** of the Law states that arrested and detained persons shall have the right to receive polite attitude, to personal safety, to rest (including outdoors walks or physical exercise) etc. In addition, **Article 21** of the same law states that the results of the medical

examination shall be recorded in the personal file in accordance with specific procedures and reported to the patient, as well as to the body conducting the criminal proceedings.

REMEMBER

- Arrestees or detainees shall have the opportunity to satisfy their sanitary and hygienic needs in conditions that do not humiliate their human dignity.
- It shall be forbidden to subject arrestees or detainees to any medical or scientific experiments regardless of whether or not they have given their consent.
- The duration of walks for arrestees and detainees may not be less than an hour per day.
- The living space allocated for arrestees and detainees shall comply with construction and sanitary-hygienic norms set for communal dwelling areas.
- The size of the living space allocated for arrestees and detainees shall not be less than two-and-a-half square meters per person.
- Arrestees and detainees shall get individual sleeping space and bedding.
- Arrestees and detainees shall get free meals that are sufficient for maintaining good health and strength; the minimum size of portions shall be defined by the Government of the Republic of Armenia.
- Arrested or detained pregnant women, nursing mothers, juveniles, as well as sick arrestees and detainees shall get special food free of charge; the selection and the minimum size of portions shall be defined by the Government of the Republic of Armenia.

The rights of arrested and detained people to receive medical care and service are further disclosed in the **Decision of the Government of Armenia #825-N on May 26, 2006 on “Approving the Procedure of Organizing Medical and Sanitary and Medical Preventive Assistance to Detained and Convicted Persons Using Medical Facilities of Health Care Entities and Involving Health Care Personnel for these Purposes”**. This Decision sets procedures for organizing medical-sanitary and preventive assistance to detained and convicted persons using medical facilities of health care entities and involving health care personnel for these purposes - in accordance with *Annex 1* of this Decision.

Below are presented some important statements from this legal act.

REMEMBER

- When taking into an institution, all arrested and detained persons shall be provided with medical counseling and a piece of information on available medical services (Point 5).
- In institutions, medical care shall be available to arrested and detained persons in any time and without restrictions (Point 6).
- Medical secret shall be guaranteed and maintained by medical staff (Point 7).

- Arrested and detained persons shall be provided with a preliminary explanation before a laboratory or instrumental investigation. They should give their consent except in cases stipulated by the law (when his/her health status does not allow expressing his/her will) (Point 8).
- Arrested and detained persons could be examined by the doctor selected by him/her ... [payment of] which is to be covered on his/her own (Point 9):
- All medical examinations shall be conducted beyond the sight or listening distance of other criminal-executive or other service staff (Point 37).
- Results of any medical examination, presented by a detainee health problem as and the physicians' conclusions shall be available to him/her as well as his/her legal representatives (Point 37).
- The detained person shall be taken to fluorography investigation within the first 72 hours of incarceration (Point 38).
- Medical-preventive examinations among arrested and detained persons shall be implemented at least once per a year after receiving their consent or consent of their legal representative for adolescents (Point 41).
- Arrested and detained persons shall be taken under the medical control on daily basis through presenting health problems and, when needed, referring them to specialized examinations at everyday visits (Point 43).
- The medical card shall be treated as a document containing medical secret and shall not be given to the arrested or detained person.... In order to become familiar with the content of the medical card, a detained person (or his legal representative) could require a excerpt from his/her medical card or an explanatory brief on his/her health status (Point 51).

THIS IS THE LAW !

The Law of the Republic of Armenia on Medical Care and Services of Population, 04.03.1996

Article 12. Rights of arrested, detained and other persons serving their sentence in places of imprisonment to receive medical care and service

Persons arrested or serving their sentence in places of imprisonment have the right to receive medical care and services as per procedures established by the legislation of Republic of Armenia.

The Law of the Republic of Armenia on Keeping Arrestees and Detainees, 06.02.2002

Article 13. Rights of Arrestees and Detainees

Arrestees and detainees shall have the right:

- 1) to receive information in his/her mother tongue or other language he/she is fluent in about his/her rights, freedoms and responsibilities;
- 2) to be treated in a polite manner;
- 3) to complain about violations of his/her rights and freedoms, both personally and through his/her attorney or legal representative to the administration of the places of arrest or detention, to their

superiors, to the court, to the prosecutor's office, to central and local government bodies, public organizations and parties, the media, as well as to international bodies or organizations involved in protection of human rights and freedoms;

- 4) to protect his/her health, including to receive sufficient food and urgent medical aid;
- 5) to social security;
- 6) to receive legal assistance;
- 7) to personal safety;
- 8) to freedom of thought, conscience and religion, political or other opinions;
- 9) to communicate with the outside world;
- 10) to rest, including the right to outdoor walks or physical exercise and to an 8-hour night sleep, during which it shall be forbidden to involve him/her in court or other activities, except in cases specified by the Criminal Procedural Code;
- 11) to be called by his/her first or last name;
- 12) to request a personal meeting with the head of the place of arrest or detention, or with bodies monitoring or supervising the activities of these places;
- 13) to possess documents and records concerning the criminal case or the protection of his/her rights and legal interests, excepts documents and records that contain state or professional secrets or other confidential information protected by law;
- 14) to participate in civil law actions.

Arrestees shall have the right:

- 1) to receive education and to be engaged in creative work;
- 2) to work;
- 3) to purchase food and articles of prime necessity from the shop or kiosk of the place of arrest or to obtain them with the help of the administration;
- 4) to receive and send money transfers.

Arrestees or detainees shall also have other rights defined in the law.

Arrested and detained foreign citizens shall have the right to establish and maintain contacts with diplomatic missions and consular services of their countries in the Republic of Armenia; in the absence of such, they have the right to establish and maintain contacts with diplomatic missions and consular services of those countries, which have undertaken the protection of these persons' interests.

Article 16. Walks for Arrestees and Detainees

Arrestees and detainees shall get walks during daytime in a specially designated area.

The duration of walks for arrestees and detainees may not be less than an hour per day.

Article 19. Meals for Arrestees and Detainees; Obtaining Food and Supplies

Arrestees and detainees shall get free meals that are sufficient for maintaining good health and strength; the minimum size of portions shall be defined by the Government of the Republic of Armenia.

Is shall be forbidden to reduce the quality of food or the size of minimal portions, including as a way of punishment.

Arrested or detained pregnant women, nursing mothers, juveniles, as well as sick arrestees and detainees shall get special food free of charge; the selection and the minimum size of portions shall be defined by the Government of the Republic of Armenia.

Arrestees and detainees must get drinking water.

Arrestees or detainees shall have the right to obtain food and other necessary and not forbidden articles at their own expense. The rules for obtaining food and articles of prime necessity shall be defined in internal regulations.

In case if arrestees or detainees refuse to take food, the head of place of arrest or detention or his/her deputy must find out the reasons for refusing to eat and report to the body conducting the criminal proceedings, as well as to controlling and supervising bodies.

A refusal to take food shall not suspend the moving of arrestees or detainees to other places and their participation in court proceedings. If necessary, arrestees or detainees may be accompanied by medical personnel during the move.

Article 20. Living Conditions for Arrestees and Detainees

Appropriate living conditions in compliance with sanitary-hygienic norms and fire safety requirements shall be created for arrestees and detainees.

The living space allocated for arrestees and detainees shall comply with construction and sanitary-hygienic norms set for communal dwelling areas. The size of the living space allocated for arrestees and detainees shall not be less than two-and-a-half square meters per person.

Arrestees and detainees shall get individual sleeping space and bedding.

Arrestees and detainees shall wear their own clothes. If necessary, they shall be provided with uniforms relevant to climatic conditions and their gender.

Article 21. Medical-Sanitary Aid to Arrestees and Detainees and their Personal Hygiene

Medical-sanitary aid to arrestees and detainees shall be provided in accordance with the legislation of the Republic of Armenia and internal regulations.

The administration of places of arrest and detention shall ensure that sanitary-hygienic and anti-epidemic requirements aiming at maintaining the health of arrestees and detainees are met.

Places of detention must have at least one doctor of general specialization.

Arrestees and detainees needing specialized medical aid shall be transferred to a specialized or a civilian medical institution. The procedures for rendering medical, including psychological, aid to arrestees and detainees, their stay in medical institutions, as well as the involvement of employees of such institutions in medical services shall be set by the authorized body.

If any bodily injury is detected on arrestees or detainees, the medical personnel of place of arrest or detention shall examine the arrestee or detainee immediately. The results of this medical examination shall be recorded the personal file in accordance with specific procedures and reported to the patient, as well as to the body conducting the criminal proceedings.

In case of serious illness or death of arrestees or detainees, the administrations of the places of arrest or detention shall immediately inform the arrestees' or detainees' close relatives, the body conducting the criminal proceedings and the supervising prosecutor.

In case of serious illness or death of an arrested or detained foreign citizen, the administration of the appropriate institution shall immediately inform its superior body, which in its turn shall inform the interested departments, including the appropriate country's diplomatic mission or consulate.

Once all the actions provided for by the law are taken, the body of the deceased shall be handed over to the person who has claimed it, while preference shall be given to close relatives. If the body has not been claimed within three days, the deceased shall be buried at the government's expense.

In case a serious illness is discovered in arrestees or detainees, which may lead to that person's mental disorder or death, the head of the appropriate institution shall use a doctor's conclusion as a basis to petition the body conducting the criminal proceedings and the prosecutor overseeing the process, about reversing or changing the form of punishment.

Arrestees or detainees shall have the opportunity to satisfy his/her sanitary and hygienic needs in conditions that do not humiliate their human dignity. Conditions and rules for their personal hygiene shall be defined by the internal regulations.

It shall be forbidden to subject arrestees or detainees to any medical or scientific experiments regardless of whether or not they have given their consent.

Guarantees of Legal Remedies of Arrested and Detained People

In the real life most standards of human rights remain “on papers” and do not being implemented in the right way. However, all incarcerated persons have **the constitutional rights** to protect their rights and freedoms and entitled to effective legal remedies, including the support of the Human Rights' Defender and international institutions.

REMEMBER

- Everyone shall be entitled to effective legal remedies to protect his/her rights and freedoms before judicial as well as other public bodies.
- Everyone shall be entitled to have the support of the Human Rights' Defender for the protection of his/her rights and freedoms on the grounds and in conformity with the procedure prescribed by law.
- Everyone shall in conformity with the international treaties of the Republic of Armenia be entitled to apply to the international institutions protecting human rights and freedoms with a request to protect his/her rights and freedoms.

Article 24 of the Law of the Republic of Armenia “On Criminal Executive Service” stipulates responsibilities of criminal-executive (penitentiary) employers which stands for the state guarantee for implementing above rights. **Clause 5** of the Law states that a penitentiary worker is obliged to examine and proceed with applications, proposals and complaints in accordance with the procedures and within timeframes set by the legislation of the Republic of Armenia. The **Decision of the Government of Armenia #825-N on May 26, 2006** further sets responsibilities of Head of Medical Service of Criminal-Executive Department (Article 20), Specialists of Medical Service of Criminal-Executive Department (Article 21), Medical Deputy-Chief of Hospital for Detainees (Article 22) and Head of Medical Department (or Group) of Criminal-Executive Institutions (Article 25) in examining and proceeding with applications, proposals and complaints stipulated by the Armenian law.

REMEMBER

The bodies and officials examining the proposals, applications and complaints from arrestees and detainees are required to examine them in accordance with the procedures and within timeframes set out by the legislation of the Republic of Armenia and to inform the arrestees and detainees about their decisions.

Proposals, applications and complaints about decisions and actions by the administration of places of arrest and detention shall not suspend the implementation of these decisions and actions.

Proposals, applications and complaints addressed to the prosecutor, the judge, the defense lawyer, and the bodies supervising the places of arrest and detention shall be sent to the addressee in a sealed package **within one day**.

Arrestees or detainees shall be required not to take any actions that endanger their own lives and health, as well as those of others.

THIS IS THE LAW !

The Constitution of the Republic of Armenia

Article 18

Everyone shall be entitled to effective legal remedies to protect his/her rights and freedoms before judicial as well as other public bodies.

Everyone shall have a right to protect his/her rights and freedoms by any means not prohibited by the law.

Everyone shall be entitled to have the support of the Human Rights' Defender for the protection of his/her rights and freedoms on the grounds and in conformity with the procedure prescribed by law.

Everyone shall in conformity with the international treaties of the Republic of Armenia be entitled to apply to the international institutions protecting human rights and freedoms with a request to protect his/her rights and freedoms.

Article 19

Everyone shall have a right to restore his/her violated rights, and to reveal the grounds of the charge against him/her in a fair public hearing under the equal protection of the law and fulfilling all the demands of justice by an independent and impartial court within a reasonable time.

The representatives of the mass media and the public may be excluded from all or part of the trial in the interests of morals, public order, national security, protection of the private life of the participants, or if the administration of justice so require.

Article 20

Everyone shall be entitled to legal assistance. In cases prescribed by the law the legal assistance shall be provided at the expense of the state resources.

Everyone shall have a right to the assistance of a legal defender chosen by him/her starting from the moment of his/her arrest, subjection to a security measure or indictment.

Every convicted person shall have the right to review of the judgment passed on him/her by a higher instance court in conformity with the procedure prescribed by the law.

Every convicted person shall have a right to request pardon or mitigation of the punishment.

All damages incurred by the victim shall be compensated in conformity with the procedure prescribed by the law.

The Law of the Republic of Armenia on Keeping Arrestees and Detainees, 06.02.2002

Article 18. Proposals, Applications, and Complaints from Arrestees and Detainees and Procedure for their Examination

... Persecution of arrestees and detainees in any form for submission of proposals, applications and complaints about violations of their rights and legal interests shall be forbidden. Persons allowing such persecution shall be punished by law.

International Framework of Your Rights

Human rights of people living in the Republic of Armenia, including those who are kept in the places for arrestees and detainees are protected not only by Armenian legislation, but various international conventions and other legal acts ratified by the National Assembly. So far, the Republic of Armenia has joined to important international treaties which *prevail over all domestic legislative acts*. Below are listed most important international acts which have direct or indirect links to your rights in health settings¹:

- ***International Covenant on Civil and Political Rights (ICCPR)***, date of accession on June 23, 1993 and entry into force on September 23, 1993;
- ***International Covenant on Civil and Political Rights (ICCPR)***, date of accession on September 13, 1993 and entry into force on December 13, 1993;
- ***Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR)***, date of accession on January 13, 2001, date of signature on April 26, 2002 and entry into force on the same date;
- ***European Social Charter (ESC)***, date of signature on January 21, 2004 and entry into force on October 18 of the same year.

REMEMBER

International treaties ratified by the RA National Assembly and binding on Armenia are considered to be the supreme law of the country, i.e. the provisions of a ratified international instrument prevail over all domestic legal acts.

Thus, adopting the norms of international law, the Republic of Armenia has taken responsibilities to ensure the rights of its citizens to Liberty and Security of the Person, the Right to Privacy, the Right

¹ This information could be useful for your attorney. Only most important international treaties are listed in the presented table. One can find a complete list of all international legal acts of the field in “Human Rights in Patient Care: Practitioner Guide” (electronic version is available at www.healthrights.am/practitioner-guide/)

to Information, the Right to Bodily Integrity, the Right to Life, the Right to the Highest Attainable Standard of Health, the Right to be Free from Torture and Cruel, Inhuman, and Degrading Treatment, the Right to Participate in Public Policy and, finally, the Right to Non-Discrimination and Equality.

TABLE: Key International Human Rights Standards in the delivery of medical care

NAME OF INTERNATIONAL RIGHTS	RELEVANT INTERNATIONAL TREATIES	EXAMPLES OF POTENTIAL VIOLATIONS
Right to Liberty and Security of the Person	Article 9(1) ICCPR Article 5(1)(e) ECHR	A person is kept in a place of arrest in the absence of the legal grounds.
Right to Privacy	Article 17(1) ICCPR Article 8(1) ECHR	HIV-positive status of an arrested person is being announced to other inmates.
Right to Information	Article 19(2) ICCPR Article 8(1) ECHR	A detained person receives no information on conducted medical examination and prescribed medicine.
Right to Bodily Integrity	Article 5 ECHR	A detained person is involved in a clinical trial without his will.
Right to Life	Article 6(1) ICCPR Article 2(1) ECHR	Due to bureaucratic proceedings, urgent transfer of a detained person with life-threatening condition to a specialized civil clinic is being delayed.
Right to the Highest Attainable Standard of Health	Article 12 ICESCR Article 11 ESC	Detained persons have no chance to receive services of an outside

		rehabilitation center.
Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	Article 7 ICCPR Article 10(1) ICCPR Article 3 ECHR	A detained person suffering of severe abdominal pain gets no appropriate care.
Right to Participate in Public Policy	Article 25 ICCPR	A group of detained persons are not allowed to establish an NGO on protection of rights of incarcerated people.
Right to Non-Discrimination and Equality	Article 26 ICCPR Article 2(2) ICCPR Article 2(2) ICESCR Article 14 ECHR Article 11 ESC	A detainee with high-infective lung tuberculosis is being isolated and left out of any medical and nursing care.

REMEMBER

International Standards on Human Rights

1. RIGHT TO LIBERTY AND SECURITY OF THE PERSON

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law (Article 9(1) ICCPR).

Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ...the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or vagrants (Article 5(1)(e) ECHR).

2. RIGHT TO PRIVACY

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation (Article 17(1) ICCPR).

Everyone has the right to respect for his private and family life, his home and his correspondence (Article 8(1) ECHR).

3. RIGHT TO INFORMATION

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice (Article 19(2) ICCPR).

Everyone has the right to respect for his private and family life, his home and his correspondence (Article 8(1) ECHR).

4. RIGHT TO BODILY INTEGRITY

An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it (Article 5 ECHR).

5. RIGHT TO LIFE

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life (Article 6(1) ICCPR).

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law (Article 2(1) ECHR).

6. RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:... (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness (Article 12 ICESCR).

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: (1) to remove as far as possible the causes of ill-health; (2) to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health; (3) to prevent as far as possible epidemic, endemic and other diseases, as well as accidents (Article 11 ESC).

7. FREEDOM FROM TORTURE and CRUEL, INHUMAN and DEGRADING TREATMENT

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation (Article 7 ICCPR).

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person (Article 10(1) ICCPR).

No one shall be subjected to torture or to inhuman or degrading treatment or punishment (Article 3 ECHR).

8. RIGHT TO PARTICIPATE IN PUBLIC POLICY

Every citizen shall have the right and the opportunity, without... distinctions... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives (Article 25 ICCPR).

9. RIGHT TO NON-DISCRIMINATION AND EQUALITY

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 26 ICCPR).

The States Parties to the present Covenant undertake to guarantee the rights enunciated in the present Covenant shall be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status (Article 2(2) ICCPR ; Article 2(2) ICESCR).

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Article 14 ECHR).

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organizations, to take appropriate measures designed...(1) to remove as far as possible the causes of ill-health; (2) to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health; (3) to prevent as far as possible epidemic, endemic and other diseases, as well as accidents (Article 11 ESC).

Forteen Patients' Rights and legal remedies in case of violation of these rights

In 2002, one of Europe-based organizations - Active Citizenship Network – developed **the European Charter of Patients' Rights** which provides a clear, comprehensive statement of patient rights. The charter identifies fourteen concrete patients' rights currently at risk, including arrested and detained people. It is important to know that most of 14 patient rights have their legal grounds in Armenian legislative acts. Although the charter is not legally binding, it gives a clear understanding of patients' rights of people kept in penitentiaries when receiving health care. Understanding of 14 patients' rights allow you easily identifying and preventing cases of violation of your certain rights in the delivery of medical care.

REMEMBER

14 patient rights defined by European Charter on Patient Rights

1. Right to Preventive Measures
2. Right of Access
3. Right to Informatio
4. Right to Consent
5. Right to Free Choice
6. Right to Privacy and Confidentiality
7. Right to Respect for Patients Time
8. Right to Observance of Quality Standards
9. Right to Safety
10. Right to Innovation
11. Right to Avoid Unnecessary Suffering and Pain
12. Right to Personalized Treatment
13. Right to Complain
14. Right to Compensation

As you can see, from the 14 above listed rights the last but one is *the right of patients to complain* and the last one – *the right to receive sufficient compensation*. Thus, whenever you consider that your rights in receiving medical care guaranteed by the Constitution or by laws have been violated, we suggest to take appropriate actions for remedies at your disposal. In general, there are a couple of levels for effective legal remedies to protect your rights.

At first, you can file a complaint with the ***Head of Department (Group) of Medical Service*** of your institution (or, if you are detained at the Hospital for Detainees, with the Medical Deputy-Chief of that institution). In case your application has been left with no answer, you can proceed with the next step – applying to official superior to the alleged violator (***Head of Institution and Head of Department of Medical Service of Criminal-Executive Department of the Ministry of Justice***). In some cases you will need to forward your application directly to ***the Ministry of Justice***. Please note that mostly legal remedies of violated rights could take place in this level.

Secondly, you can bring a lawsuit before ***the Court***. Remember that you are entitled to effective legal remedies to protect your rights and freedoms before judicial as well as other public bodies. In the republic there are 3 main types of courts - the Court of First Instance, the Court of Cassation and the Court of Appeal. Please note that you should apply to the Administrative Court if you intend to dispute public or alternative service, administrative bodies etc.

Then, you can file a complaint with ***the Police or Prosecutor Office of the Republic of Armenia*** if the alleged action or inaction contains elements of crime. You may need an attorney service in these cases.

Further, you can seek the support of ***the Human Rights Defender*** if the alleged violation was committed by a state or local self-government body or its official. Please note that when applying to the Ombudsman, the complaint may be filed against the heads or staff of any state body. Complaints against state hospitals, clinics or their heads and staff may not be addressed by the Human Rights Defender. That is why it is necessary to apply, in the first place, to the respective state body supervising activities of the health care facility. Afterwards, if there is no response or the response is not satisfactory, the complaint against the state body may be forwarded to the Human Rights Defender. The subject of the complaint should be the fact that the state body has not made a valid decision in relation to the person's rights.

Finally, you can address your concern or complaint to *Civil Cosiety Organizations* committed to protection of patients' rights in health care. Relevant organizations would assist you in choosing appropriate steps of proceedings with your complaints.

Useful Contacts

The Ministry of Justice of Republic of Armenia

Mr. Hrayr Tovmasyan, the Minister of Justice

Address: Yerevan 0079, 41a Halabyan Street

Phones: 344677, 319097

E-mail: info@moj.am

Website: www.moj.am

Criminal-Executive Department of the Ministry of Justice of Republic of Armenia

Mr. Hayk Harutyunyan, the Head of Department

Address: Yerevan 0061, 63 Arshakunyats Street,

Phones: 442904, 443077

The Ministry of Health of Republic of Armenia

Mr. Harutyun Kushkyan, the Minister of Health

Address: Yerevan 0010, Republican Square, Governmental House 3,

Phones: 544028, 544027

HotLine: 528872

E-mail: info@moh.am

Website: www.moh.am

Human Rights Defender of Republic of Armenia

Mr. Armen Harutyunyan, RA Human Rights Defender

Address: Yerevan 0002, 56a Pushkin Street

Phone: 537651

E-mail: ombuds@ombuds.am

Website: www.ombuds.am

Office of Public Defender

Mr. Masis Ghazanchyan, Director

Address: Yerevan 0009, 8 Kuryun Street, 5

Phones: 583844, 586015

Helsinki Citizens` Assembly Vanadzor Office

Mr. Artur Sakunts, Director

Address: Vanadzor, 59 Tigran Mets Street

Phone: 0322-42268

E-mail: hcav@hcav.am

Website: www.hcav.am

Antidrugs Civil Union NGO

Ms. Violeta Zopunyan, Lawyer

Address: Yerevan, 2 Acharyan Street 2nd side-street

Phone: 621635

E-mail: info@healthrights.am

Website: www.healthrights.am