

Annex No 3.1

to Order of the Minister of Justice

No 113-L of 13 March 2020

“Annex No 3

to the Order of the Minister of Justice

No 103-L of 29 March 2019

STATUTE

OF THE DEPARTMENT FOR DRAFTING OF CRIMINAL LEGISLATION, PENITENTIARY AND PROBATION POLICIES

1. GENERAL PROVISIONS

1. The Department for Drafting of Criminal Legislation, Penitentiary and Probation Policies (hereinafter referred to as “the Department”) of the Ministry of Justice (hereinafter referred to as “the Ministry”) is the main professional structural subdivision of the Ministry.
2. The Statute of the Department shall be approved by the Minister of Justice (hereinafter referred to as “the Minister”).
3. The Department shall operate based on the Constitution, laws, other legal acts, as well as the Statute of the Ministry and this Statute.
4. The Department shall comprise the head of the Department and the divisions of the Department.

2. OBJECTIVES AND TASKS OF THE DEPARTMENT

5. The objectives of the Department shall be as follows:
 - (1) to draft and implement the penitentiary and probation policies;
 - (2) to draft and improve the criminal legislation, the legislation on criminal procedure and on operational intelligence activities;
 - (3) to implement the process of consideration of petitions for pardon;
 - (4) to carry out co-ordination of the activities of the Council for Juvenile Justice.
6. The tasks of the Department shall be as follows:
 - (1) to ensure the drafting and implementation of the strategy in penitentiary and probation sectors, to ensure the fulfilment of international commitments;
 - (2) to ensure the drafting and continuous improvement of criminal legislation, legislation on criminal procedure and on operational intelligence activities;
 - (3) to ensure the process of consideration of petitions for pardon;
 - (4) to ensure co-ordination of the activities of the Council for Juvenile Justice.

3. FUNCTIONS OF THE DEPARTMENT

7. With a view of implementing its objectives and tasks, the Department shall perform the following functions:
 - (1) drafting and implementing the penitentiary and probation policies;
 - (2) drafting the criminal legislation, the legislation on criminal procedure and on operational intelligence activities and implementing activities related to the continuous improvement thereof;

- (3) implementing the process of consideration of petitions for pardon and ensuring the operation of the Secretariat of the Advisory Commission for Consideration of Pardon-Related Issues;
- (4) carrying out co-ordination of the activities of the Council for Juvenile Justice.

4. COMPETENCES OF THE DEPARTMENT

8. The competences of the Department shall be as follows:

- (1) implementing activities related to study and analysis of the legislation of the Republic of Armenia and international practice related to the sectors of drafting the penitentiary and probation policies, the criminal legislation, the legislation on criminal procedure and on operational intelligence activities, as well as those of petitions for pardon (hereinafter referred to as “the co-ordination sectors”);
- (2) implementing activities related to drawing up of draft legal acts aimed at regulation of yet not regulated relations in co-ordination sectors and of draft legal acts on making amendments and supplements to legal acts having been already adopted and entered into force, as well as delivering a position on draft legal acts submitted for opinion;
- (3) implementing measures relating to co-ordination sectors and reserved to the Ministry under relevant programmes and strategies, as well as submitting reports on the course of implementation thereof;
- (4) implementing activities related to drawing up of draft responses as a result of consideration and analysis, as prescribed by law, of written recommendations, applications and complaints of citizens (including foreign citizens and stateless persons) and legal persons regarding the co-ordination sectors;

- (5) implementing activities related to drawing up of the personal file of a person having submitted a petition for pardon, those related to ensuring the operation of the Secretariat of the Advisory Commission for Consideration of Pardon-Related Issues, as well as related to maintenance of registers developed in respect of the course of consideration of petitions for pardon;
- (6) implementing activities related to co-ordination of the activities of the Council for Juvenile Justice;
- (7) ensuring co-operation with international and non-governmental organisations in co-ordination sectors;
- (8) implementing activities related to fulfilment and co-ordination of international commitments in co-ordination sectors;
- (9) other competences prescribed by the legislation of the Republic of Armenia.

5. DIVISIONS INCLUDED IN THE DEPARTMENT

9. The Department shall include:
 - (1) the Division for Drafting of Penitentiary and Probation Policies;
 - (2) the Division for Drafting of Criminal Legislation and Legislation On Criminal Procedure;
 - (3) the Division for Pardon-Related Issues.
10. The divisions of the Department shall perform their functions in co-operation with each other.

6. FUNCTIONS OF THE DIVISIONS OF THE DEPARTMENT

11. The functions of the Division for Drafting of Penitentiary and Probation Policies (hereinafter referred to as “the Division” in this point) shall be as follows:
 - (1) implementing activities related to study and analysis of the legislation of the Republic of Armenia and international practice in penitentiary and probation sectors (hereinafter referred to as “the co-ordination sector” in this point);
 - (2) implementing activities related to elaboration of draft legal acts aimed at regulation of yet not regulated relations in the sector co-ordinated by the Division, as well as that of draft legal acts on making amendments and supplements to legal acts having been already adopted and entered into force;
 - (3) implementing activities related to submission of draft legal acts, elaborated by the Division, to interested bodies, those related to organisation of public deliberations on drafts with regard to reaching agreement on them with interested bodies, as well as related to summarisation of the opinions received from interested bodies;
 - (4) implementing activities, as prescribed by law, related to drawing up of documents attached to draft legal acts elaborated by the Division (justifications, statements of information, summary papers, etc.);
 - (5) implementing co-operation with international and non-governmental organisations with regard to issues related to the sectors co-ordinated by the Division;
 - (6) ensuring the provision of relevant remarks of the Ministry regarding urgent, current and annual reports submitted by the group of public observers exercising public supervision over execution of punishments;

- (7) ensuring the consideration, analysis and, if necessary, the provision of remarks of the Ministry regarding the reports submitted by the Human Rights Defender of the Republic of Armenia (including on the part of the National Preventive Mechanism) with regard to penitentiary and probation sectors;
 - (8) delivering an opinion on draft international documents somehow related to the co-ordination sector, preparing reports on already adopted documents;
 - (9) delivering an opinion on draft legal acts related to the co-ordination sector;
 - (10) ensuring implementation of activities related to co-ordination of the activities of the Council for Juvenile Justice;
 - (11) ensuring representation within international sector-specific organisations;
 - (12) implementing activities related to drawing up of draft responses as a result of consideration and analysis, as prescribed by law, of written recommendations, applications, including information inquiries, and complaints of citizens (including foreign citizens and stateless persons) and legal persons regarding the sectors co-ordinated by the Division.
12. The functions of the Division for Drafting of Criminal Legislation and Legislation On Criminal Procedure (hereinafter referred to as “the Division” in this point) shall be as follows:
- (1) implementing activities related to drafting and continuous improvement of the legislation in the criminal field, field of criminal procedure and operational intelligence activities (hereinafter referred to as “the co-ordination sectors”);
 - (2) implementing activities related to study and analysis of the legislation of the Republic of Armenia and international practice related to the sector co-ordinated by the Division;

- (3) implementing activities related to elaboration of draft legal acts aimed at regulation of yet not regulated relations in the sector co-ordinated by the Division and of draft legal acts on making amendments and supplements to legal acts having been already adopted and entered into force;
 - (4) implementing activities related to submission of draft legal acts, elaborated by the Division, to interested bodies, reaching agreement on them with the latter, organisation of public deliberations on drafts, as well as those related to summarisation of the opinions received from interested bodies;
 - (5) implementing activities, as prescribed by law, related to drawing up of documents attached to draft legal acts elaborated by the Division (justifications, statements of information, summary papers, etc.);
 - (6) implementing co-operation with international and non-governmental organisations with regard to issues in the sectors co-ordinated by the Division;
 - (7) delivering an opinion on draft international documents somehow related to the co-ordination sector, preparing reports on already adopted documents;
 - (8) delivering an opinion on draft legal acts related to the co-ordination sector;
 - (9) ensuring representation within international sector-specific organisations;
 - (10) implementing activities related to drawing up of draft responses as a result of consideration and analysis, as prescribed by law, of written recommendations, applications, including information inquiries, and complaints of citizens (including foreign citizens and stateless persons) and legal persons regarding the sectors co-ordinated by the Division.
13. The functions of the Division for Pardon-Related Issues (hereinafter referred to as “the Division” in this point) shall be as follows:
- (1) drawing up the personal file of a person having submitted a petition for pardon;

- (2) implementing the activities of the Secretariat of the Advisory Commission for Consideration of Pardon-Related Issues, including the organisational and technical activities of the Advisory Commission for Consideration of Pardon-Related Issues, taking minutes of the sessions of the Commission, drawing up the draft conclusion of the Commission and performing other actions required for ensuring the current activities of the Commission;
- (3) implementing activities related to drawing up of draft responses as a result of consideration and analysis, as prescribed by law, of the written applications, motions and complaints of citizens and legal persons regarding pardon-related sector;
- (4) exercising supervision over the enforcement of notifications on entry into force, by virtue of law, of the decrees of the President of the Republic of Armenia and of the draft decrees of the President of the Republic of Armenia on granting pardon;
- (5) organising the maintenance of registers drawn up in respect of the course of consideration of petitions for pardon;
- (6) drawing up draft legal acts, recommendations, conclusions and other documents deriving from the functions and tasks of the Division.

7. CO-ORDINATION AND MANAGEMENT OF THE DEPARTMENT

14. The activities of the Ministry shall be managed by the Minister.
15. The activities of the Department shall be co-ordinated by the relevant Deputy Minister, within the scope of his or her powers of co-ordination.
16. The Department shall operate under the direct supervision of the head of the Department.

17. The head of the Department shall be directly accountable to the Minister and to the relevant Deputy Minister.
18. The documents created through the performance of functions of the Department shall be signed by the Minister or the relevant Deputy Minister.
19. The head of the Department may, upon the assignment or consent of the immediate superior, sign the documents created through the performance of the functions of the Department.

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