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Armenia

Country Reports on Human Rights Practices - [2005](#)

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Armenia, with a population of approximately 3.2 million, is a republic. The constitution provides for the separation of powers, but the directly elected president has broad executive powers that are relatively unchecked by the parliament (national assembly) or the judiciary; the president appoints the prime minister, most senior government officials, and judges at all levels. The 2003 presidential and parliamentary elections were seriously flawed and did not meet international standards. While the civilian authorities generally maintained effective control of the security forces, some members of the security forces committed a number of human rights abuses.

Although there were some improvements in some areas, the government's human rights record remained poor and serious problems remained. The following human rights problems were reported:

- abridged rights of citizens to change their government
- hazing-related deaths in the military
- security force beatings of pretrial detainees
- national security service and national police force impunity
- arbitrary arrest and detention
- poor and unhealthy prison conditions
- limited right of citizens' privacy
- limited press freedom
- self-censorship by journalists
- restrictions on religious freedom
- violence against women and spousal abuse
- trafficking in persons
- discrimination against persons with disabilities
- societal harassment of homosexuals
- reported forced and compulsory labor

On November 27, a series of constitutional amendments were approved by a national referendum, and although the process was seriously flawed, the amendments represented a step toward establishing a system of democratic institutions with checks on the power of the president and a more independent judiciary. By year's end courts were more actively pursuing charges and convictions against individuals under the country's antitrafficking statutes.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government and its agents did not commit any politically motivated killings, although there were some deaths in the military as a result of mistreatment.

The military prosecutor's office investigated six deaths, three of which were hazing related. The remaining cases were investigated, but the prosecutor did not announce final results. While human rights observers asserted there were considerably more unreported deaths that were also hazing-related, the prosecutor general denied these assertions.

The Ministry of Defense reported there were 273 cases of cease-fire violations along the border with Azerbaijan, resulting in 5 deaths and 6 injuries, roughly matching the number reported by the press during the year.

In contrast to previous years, there were no civilian deaths due to landmines; however, the government reported six soldiers died from injuries sustained from landmines. All parties involved in the Nagorno-Karabakh conflict had laid landmines along the 540-mile border with Azerbaijan and the line of contact.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, although government security forces employed them. Witnesses continued to report numerous cases of police beating citizens during arrest and interrogation while in detention. Most cases of police brutality went unreported because of fear of retribution. Human rights nongovernmental organizations (NGOs) also reported claims that police beat detainees during pretrial detention.

Although there was no current, reliable reporting on the full extent of military hazing, soldiers reported to human rights NGOs that the practice continued. During the year one local NGO estimated there were seven hazing incidents; other local and international NGOs insisted the number was significantly higher. Homosexuals, Yezidis (a non-Muslim, Kurdish, religious-ethnic group), and Jehovah's Witnesses also reported that they were singled out for hazing by officers and other conscripts (see sections 2.c. and 5). Authorities did not take any significant measures to limit or stop the hazing.

The law allows detainees to file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations. Detainees must obtain permission from the police or the prosecutor's office to obtain a forensic medical examination to substantiate a report of torture. According to Human Rights NGOs, however, authorities rarely granted permission for forensic medical examinations and, by years end, there were no convictions for torture.

The government reported that 49 police officers received administrative fines and two others faced criminal charges for their roles in 35 cases involving police brutality.

In November police reportedly beat opposition supporters detained briefly following the marred constitutional referendum (see section 1.d.).

There were no developments, and none were expected, in the 2004 attacks against Mikael Danielyan (see section 4) and Ashot Manucharian.

Prison and Detention Center Conditions

Prison conditions remained poor and posed a threat to health. Cells were overcrowded, most did not have adequate facilities, and prison authorities did not provide most inmates with basic hygiene supplies. According to a June Civil Society Monitoring Board (CSMB) report, prisoners remained at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely were provided with the schooling required by law. The CSMB reported chronic problems including denial of visitor privileges, medical neglect, and in the most extreme cases, physical abuse. In certain jails, prisoners paid bribes to move into single occupancy cells and to obtain additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends delivering meals to inmates. In some prisons, monitors noted that prisoners had difficulty mailing letters and that some prison officials did not adequately facilitate family visits.

CSMB monitors reported that female prisoners had more freedom of movement, and that their facilities were cleaner and better equipped and maintained than prisons for men.

The government permitted independent monitoring of prison conditions by local NGOs and international human rights groups, including the International Committee of the Red Cross (ICRC). In June 2004 the Ministry of Justice (MOJ) authorized the CSMB to visit prisons without giving advance notice and, in practice authorities permitted monitors to do so. Technically the ICRC and CSMB had access to all detention facilities, including holding cells, prisons, and local police stations to conduct independent monitoring and to meet with detainees and prisoners. In practice the national police ministry did not allow any local groups to monitor pretrial detention facilities (suspects may be held up to three days without charge), where most abuse was believed to occur. Police also denied CSMB monitors access to pretrial detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; in practice, the authorities continued to arrest and detain criminal suspects without warrants.

Role of The Police And Security Apparatus

The national police and the national security service (NSS) are responsible for domestic security, intelligence activities, and border control, and report directly to the prime minister. Both services lacked the training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity was a serious problem. NGOs and international human rights groups reported detainee abuse was widespread, and there were no efforts underway to modernize or reform police or security forces. Corruption also remained a significant problem in the police force and security service. National police officers routinely stopped motorists at roadside checkpoints to extort unofficial fees. Motorists reported that traffic police generally "charged" approximately \$2 (1000 AMD) for passage beyond checkpoints. Motorists who refused to pay were threatened with hefty official fines, license and registration revocation, and additional police harassment. Investigative journalists alleged that police inspectors and superiors received a portion of the proceeds from each traffic stop. As a result, there were no incentives and no efforts underway to curb the practice.

Arrest and Detention

To make an arrest, prosecutors and police must first obtain a warrant from a judge, except in cases of imminent flight risk or when a crime is caught in progress. Judges rarely denied police requests for arrest warrants, although police sometimes made arrests without a warrant on the pretext that detainees were material witnesses rather than suspects. According to the law, a detainee must be indicted or released within three days of arrest, and this procedure was usually followed in practice, although in some cases police skirted this requirement by alleging suspects were material witnesses. Material witnesses do not have the right to prompt judicial determination or legal counsel. The law provides a bail system; however, most courts denied requests for bail in favor of detention.

The law also requires police to inform detainees of their right to remain silent, to make a phone call, and to be represented by an attorney from the moment of arrest and before indictment (including state-provided lawyers for indigent detainees). In practice, police did not always abide by the law. Police often questioned and pressured detainees to confess prior to indictment when they did not have an attorney present. The law does not guarantee witnesses the right to legal counsel or prompt judicial determination and police exploited this loophole to interrogate suspects in the absence of counsel or detain them beyond the three-day limit for indicting suspects. Police sometimes restricted family members' access to detainees.

Unlike in the previous year, there was only nominal attendance at, and little public attention to, rallies and demonstrations, and arbitrary detention of protestors was not a serious problem. In the week following the marred November constitutional referendum the government detained, for several hours at a time, approximately 50 opposition supporters participating in modest opposition rallies. Several detainees alleged police beat them while they in custody.

There were no reports of politically motivated arrests resulting in continued detention at year's end.

Lengthy pretrial detention remained a problem. According to the law, a suspect may not be detained for more than 12 months awaiting trial, but in practice this provision was not always enforced. Both prosecutors and defense attorneys frequently requested and received trial postponements on the grounds that they required more time to prepare for trial. In some cases postponements were used as an excuse to prolong interrogations. The government reported that, at year's end there were 317 pretrial detainees accounting for approximately 11 percent of the 2879-person prison population.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. In practice, courts were subject to political pressure from the executive and legislative branches, and corruption was a problem.

The law provides for a three-tier court system, including the highest court, the Court of Cassation, the court of appeals, and courts of first instance. Most cases originate in courts of first instance; appeals are lodged with the court of appeals and the Court of Cassation. The constitutional court rules on the constitutionality of legislation, approves international agreements, and rules on election-related questions. The constitutional court can only accept cases proposed by the president and approved by a two-thirds majority of parliament, and cases on election-related issues brought by parliamentary or presidential candidates. These limitations and the general lack of judicial independence combined to prevent the constitutional court from ensuring compliance with constitutional human rights safeguards.

The president exercises dominant influence in appointing and dismissing judges at all levels.

Trial Procedures

The law requires that all trials be public except when government secrets are at issue. Juries are not used in trials. A single judge issues verdicts in courts of first instance, and a panel of judges presides over the other courts. Defendants have the right and are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment (a civil versus criminal misdemeanor). They also have access to a lawyer of their own choosing, and the government provided a lawyer at public expense to defendants upon request. More than half of all defendants chose to argue their own case in court due to the perception that public defenders colluded with prosecutors. Defendants may confront witnesses and present evidence and they and their attorneys may examine the government's case in advance of trial. Judges generally granted requests by defendants for additional time to prepare cases. The law provides for the presumption of innocence; in practice this right was not always observed. Prosecutors often did not begin a trial if they believed they would not obtain a guilty verdict—resulting in extended pretrial investigations and lengthy pretrial detention (see section 1.d.). Both defendants and prosecutors have the right to appeal. Prosecutors used confessions obtained under pressure, which some NGOs asserted amounted to torture, as a central part of their case. Defense lawyers may present evidence of torture to overturn improperly obtained confessions, although defendants stated that judges and prosecutors refused to admit such evidence of torture into court proceedings even when the perpetrator could be identified.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications; however, the government did not always respect these rights in practice.

Under the law, authorities must present compelling evidence to obtain permission from a judge to wiretap a telephone or intercept correspondence. Nonetheless, in practice the law was not strictly enforced and some judges arbitrarily granted permission.

At times police maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the law provides for freedom of speech and of the press, the government partially limited freedom of speech. There were incidents of violence, intimidation, and self-censorship in the press.

The Union of Armenian Aryans' leader was found guilty of inciting public hostility and given a three-year suspended sentence (see section 2.c.).

Most newspapers were privately owned with the exception of government-sponsored *Hayastani Hanrapetutyun* and its Russian-language version *Respublika Armenii*. The independent media were active and expressed a wide variety of views without restriction, but no newspaper was completely independent of patronage from economic or political interest groups or individuals. Because of low newspaper circulation, most people relied on television and radio for news and information. Nationwide, there were fewer than 20 radio stations and more than 45 television broadcasters, most privately operated. In the capital and regional cities, private television stations offered generally independent news coverage of good technical quality; however, the substantive quality of news reporting on television and radio varied due to self-censorship by journalists and the stations' dependence on patronage. Major broadcast media outlets generally kept to progovernment lines. Economic pressure on broadcast media was more common than outright political pressure, including authorities requesting bribes, and advertising revenues used to influence programming. Senior officials within President Robert Kocharian's office continued to provide policy guidance to Public Television of Armenia (H1). While its coverage was mostly factual, H1 avoided editorial commentary or criticism of the government.

In 2003 Kentron TV, a progovernment national television channel was awarded a broadcast frequency that belonged to A1-Plus, one of the country's last independent television stations. Observers alleged the decision was politically motivated, due to A1-Plus' previous criticism of the Kocharian administration. A1-Plus unsuccessfully sought to resume broadcasting after losing its license in 2002.

International media outlets generally operated freely in the country. However, RFE/RL broadcasts were periodically inaudible for three days beginning on the day of the constitutional referendum. State-run Armenian Public Radio claimed in a statement that the disruptions were due to technical problems, but some observers alleged the disruptions were politically motivated. RFE/RL did not lodge an official complaint.

Harassment of journalists remained a problem. There were unconfirmed reports of incidents of harassment and intimidation of journalists outside the capital.

In contrast with the previous year, there were no reports of police beating journalists. The Ministry of Foreign Affairs noted in a public document that one case involving possible violence against a reporter was under investigation, although at year's end the circumstances surrounding the case were unclear.

A man sentenced to six months' incarceration in October 2004 for assaulting a journalist seeking to photograph property owned by a member of parliament was immediately released from court custody and, by year's end, had not served his sentence.

There was no official censorship; however, there were continued reports of intimidation of journalists, and some print journalists continued to practice self-censorship to avoid problems with the government and because of pressure from official sources.

During the year there were no charges brought against journalists for libel of a public official.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, but there were some limits on this right. On October 31, the government issued amendments to the April 2004 law on meetings, assemblies, rallies, and demonstrations, in response to criticism levied by opposition parties, journalists, and human rights activists. The amendments clarified technical restrictions and removed several sites from the list of venues, outlined by the 2004 law, where protests are prohibited. Per the law and amendments, organizers are no longer required to obtain a government permit to stage a rally or demonstration, but are still required to notify authorities in advance of their plans for such events. However, there are limits on the locations where demonstrations can be held without permission, for example military installations and sensitive power generation facilities. The law also empowers police to break up illegal rallies and demonstrations, particularly those that encourage violence and the overthrow of the government. In practice during the year police did not break up demonstrations. In addition the amendments simplify notification procedures, allow spontaneous mass gatherings, and remove television and radio stations and the central bank from the list of facilities around which groups are prohibited from gathering. The law also removes specific timeframes within which security officials must

suggest alternative arrangements for unapproved organized gatherings.

Prior to the amendments, authorities often denied requests from opposition parties for permits to organize rallies and demonstrations in the capital and other cities. The government did not interfere when small rallies took place without permission.

An April 20 rally organized by the New Times Party in Sevan was disrupted when a scuffle between progovernment and opposition supporters ended in a nonfatal shooting. New Times Party leader Aram Karapetyan accused government authorities of initiating the violence and called for an investigation. Other observers, including the police, opposition members and pro-government parties blamed Karapetyan for staging an unauthorized event that endangered the public. By year's end there were no developments in the investigation.

There were reports that government authorities hindered political party meetings and pressured property owners to evict opposition parties from meeting facilities. On May 10, Aram Karapetyan announced his party had been evicted from its headquarters in Yerevan after government officials pressured the landlord to evict him.

Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice. Registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome, exacting, and time-consuming. The law stipulates the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies. As in previous years, no human rights groups or political organizations reported problems with registration.

c Freedom of Religion

Although the law provides for freedom of religion, there were some restrictions in practice. The Armenian Apostolic Church has formal legal status as the national church, and consequently enjoys privileges not afforded to other faiths. The law grants specific rights to minority religious groups that register with the government, such as the right to publish newspapers or magazines, rent meeting places on government property, broadcast television or radio programs, and sponsor official visitors. Unregistered religious organizations may only import small quantities of religious literature for private use. The law also requires all religious organizations, except the Armenian Apostolic Church, to obtain prior permission to engage in public religious activities, travel abroad, or to invite foreign guests to the country. Religious groups did not have problems with registration.

The law prohibits proselytizing--which is left undefined in the law--by minority religions, and bans foreign funding for foreign-based churches; neither ban was enforced. On July 13, officials of the Church of Latter-day Saints reported that police officers briefly detained, harassed, and threatened two foreign missionaries. The missionaries said that one of the officers, after warning them to leave the country, placed the barrel of his gun against the missionary's head and pulled the trigger. Church officials filed a police report, and the government opened an investigation. According to the Department of Religious Affairs and Minorities, Armenian Apostolic Church officials filed a counter-complaint against the Church of Latter-day Saints within a week of the incident, alleging the missionaries were illegally proselytizing on church grounds. Police officials claimed the officers questioned the missionaries and asked them to stay away from the church. On October 4, a police inspector sent representatives of the Church of Jesus Christ of Latter-day Saints a letter informing members that the National Police intended to drop the investigation and leave the incident unresolved.

Societal Abuses and Discrimination

Societal attitudes toward most minority religions were ambivalent. Yezidi leaders reported that police and local authorities subjected their religious community to discrimination.

According to observers, the general population viewed "nontraditional" religious groups with suspicion and expressed negative attitudes about Jehovah's Witnesses, because they misunderstood their proselytizing practices and the Jehovah's Witnesses refused to serve in the military. Jehovah's Witnesses continued to experience occasional societal discrimination.

The government does not provide official figures for religious adherents, but Jewish community leaders estimated the community's number at between 500 and 1 thousand. The Jewish community reported several incidents of verbal harassment during the year, but that such incidents had decreased from previous years.

The director of ALM TV frequently made anti-Semitic remarks on the air, and the Union of Armenian Aryans, a small, ultranationalist group, called for the country to be "purified" of Jews and Yezidis (see section 5). Union of Armenian Aryans leader Armen Avetisyan told a newspaper in January that Jewish communities endangered the future of the nation. On March 18, a Yerevan court found him guilty of inciting public hostility and issued a three-year suspended sentence.

In contrast with the previous year, there were no reports of individuals or groups distributing anti-Semitic literature.

The few Muslims who remained in the country after the Nagorno-Karabakh conflict kept a low profile. Approximately one thousand Muslims resided in the capital. There was no formally operating mosque, although one surviving 18th century mosque in the capital remained open for Friday prayers without government interference, although it was not officially registered.

Jehovah's Witness representatives reported that conscripted adherents continued to be targeted by fellow conscripts and military officers for ridicule, physical abuse and demeaning work assignments (see section 1.c.).

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement Within The Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, but there were some restrictions in practice.

The government generally did not restrict internal movement. Corruption and an inefficient bureaucracy hindered citizens' efforts to register changes (such as adoptions, births, deaths, marriages, voter registration) with the Office of Civil Registration.

To leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas may be routinely purchased at a cost of approximately \$2.00 (1,000 AMD) for each year of validity, and may be purchased when a passport is issued for the entire term of validity of the passport. Citizens who opted not to purchase the appropriate visa, but attempted to depart the country, were not permitted to leave. According to some citizens, authorities used the exit permit process to exact unofficial fees which, by some accounts, totaled hundreds of dollars.

Permission to depart the country may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, or whose relatives have lodged financial claims against them. Men of military age who have not completed service requirements must overcome substantial bureaucratic obstacles to travel abroad, including excessive delays in processing and officials soliciting unofficial fees for exit stamps.

The law does not prohibit forced exile, but there were no reports that the government employed it.

Internally Displaced Persons (IDPs)

In September the Norwegian Refugee Council reported that 8,399 internally displaced persons (IDPs) lived in the country. During the country's war with Azerbaijan, the government evacuated approximately 65 thousand households from the border region, but most returned or settled elsewhere. Of the 8,399 remaining IDPs, almost two-thirds could not return to their villages, which are surrounded by Azeri territory, and others chose not to return due to socio-economic vulnerability and a fear of landmines. IDPs enjoyed full rights as citizens, but the government did not provide special programs to help them adjust to their new surroundings. IDPs had access to international assistance programs and there were no reports of abuse of IDPs.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to most refugees. In practice the government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to 50 persons during the year. Most of these individuals were ethnic Armenians fleeing war in Iraq.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

There was an established procedure for granting asylum, but a combination of frequent rotations of inexperienced border officials--which included Russian border guards (who guard borders with non-former Soviet countries, based on a bilateral agreement)--and little training on asylum issues at times caused delays at airports and land borders. International organizations asserted that Russian border guards likely come into first contact with would-be asylum-seekers, unknown to either the government or UNHCR, at the borders shared with Turkey and Iran, as well as at the main international airport in Yerevan, and refuse entry.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the law provides citizens with the right to change their government peacefully, the right was restricted in practice due to repeated flaws in the conduct of elections.

Elections and Political Participation

International observers found the 2003 presidential and parliamentary elections to be well below international standards. There were serious irregularities, including ballot box stuffing, discrepancies in vote counts, partisan election commissions, and wide use of public resources to support the incumbent president. Domestic observers noted similar irregularities in local elections in September and October.

On November 27, a series of constitutional amendments were approved by a national referendum. The amendments included such changes as provisions that the president no longer may dismiss the prime minister without a parliamentary no-confidence vote, and the president's candidate for prime minister must now be supported by a parliamentary majority, and provided for increases in judicial council independence

to lessen presidential influence on judicial appointments and dismissals. While these amendments represent a step toward establishing a system of democratic institutions with checks on the power of the president and a more independent judiciary, international and domestic observers noted election abuses marred the referendum. Domestic observers also criticized the "insufficient" level of public inclusion in developing the amendments. While the balloting was conducted mostly without incident, Council of Europe observers reported discrepancies between the reported results and the apparent lack of turnout. Domestic observers reported ballot stuffing, unauthorized individuals accompanying voters to the voting booths and ballot boxes to instruct them on how to vote, and intimidation of opposition observers. Further, the government declined to invite the Organization for Security and Cooperation in Europe (OSCE) to observe the voting process.

Of the 131 seats in the parliament, 96 were occupied by pro-government parties or deputies that make up the governing coalition. Opposition parliamentarians suspended an 18-month boycott of parliament to participate in floor debates on constitutional amendments, but refused to participate in subsequent parliamentary votes. In February 2004 opposition deputies had initiated their boycott of parliamentary sessions, after the governing coalition refused to consider a motion to adopt a national referendum on the presidential administration.

On May 19, the parliament passed legislation amending the electoral code to increase the number of parliamentary seats apportioned on the party list basis, to nominally curtail the president's authority to appoint members of electoral commissions, and to reform the way the government compiles voter lists.

Authorities harassed opposition supporters, including by using politically motivated arrests. On June 30, NSS officers closed an international NGO training session for members of the local branch of an opposition party in Armavir. Authorities confiscated training materials and reportedly harassed event organizers. In the week following the marred November constitutional referendum the government detained, for several hours at a time, approximately 50 opposition supporters participating in modest opposition rallies.

There were 7 women in the 131-seat parliament but none in the cabinet.

There were no members of ethnic minorities in the parliament or cabinet.

Government Corruption and Transparency

Corruption was perceived to be widespread. According to a September 2004 opinion survey by a local research institute, a large majority of citizens believed that corruption exists "in all spheres and at all levels" in the country. A similar survey in 2003 indicated that citizens believed that corrupt authorities were not truly committed to fighting corruption.

During the year the special anticorruption commission primarily focused on establishing its internal organizational procedures. Anticorruption NGOs noted the council rarely met and, by year's end, made no appreciable progress toward implementing the government's 2003 anticorruption strategy.

According to the government, during the year the courts prosecuted 165 suspects, including 64 government officials, under anticorruption laws, issuing 58 convictions; other cases were ongoing at year's end.

The law provides for access to and transparency of information as well as its dissemination, but in practice the government rarely provided access. Most journalists and officials remained unaware of the law's provisions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year more than 20 independent, local religious and human rights organizations operated in the country, including: the Armenian Helsinki Committee, the Civil Society Institute, Helsinki Foundation, Hope and Help, International Red Cross, Junior Achievement, Mission Armenia, Open Society Institute, and Transparency International. The government, while not proactively seeking meetings, did not deny requests to meet with domestic NGO monitors.

At year's end there was no significant progress, and none expected, in the investigation into the March 2004 incident in which Mikael Danielyan, the director of a human rights organization, was beaten by four unidentified people. Danielyan had given a controversial interview to an Azerbaijani newspaper.

The government was generally cooperative with international NGOs. There were no reports of government harassment of international human rights NGOs.

The human rights ombudsman office suggested remedies to responsible government agencies in response to reported human rights violations and published a report on the country's human rights record. The country's first human rights ombudswoman complained that government interference, including a constitutional court ruling to limit her powers, limited her ability to implement recommendations. During the year the ombudswoman unveiled the government's first human rights website and released a series of reports of human rights complaints received by the ombudsman's office—around 1,500—the majority of which involved the police, labor and social affairs ministry, and municipalities. The ombudswoman said staffing and budgetary constraints hampered her ability to respond to the complaints. In 2004 the OSCE criticized the ombudsman's office as suffering from internal disorganization and a perceived lack of independence from the government during its first year of operation. The ombudswoman acknowledged the report's recommendation to improve the office's

operations. The ombudswoman complained that a May constitutional court ruling—which found that the office did not have constitutional authority to interfere in ongoing court cases, request information about ongoing court cases, or make recommendations to the court—considerably restricted her powers.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, but there was societal discrimination against women, ethnic minorities, persons with disabilities, and homosexuals.

Women

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was believed to be widespread. While there is no recent information on the extent of the problem, a 2001 survey found that 45 percent of the (female) respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse. Most cases of domestic violence were not reported to police because victims were either afraid of physical harm, fearing police would return them to their husbands or were embarrassed to make family problems public. Several NGOs in the Yerevan and Gyumri areas and in Martuni provided shelter and assistance to battered women; however, it was rare for battered women to have psychological or legal counseling.

Rape, including spousal rape, is illegal and carries a maximum 15 years' imprisonment. By year's end authorities registered approximately 50 cases of rape and attempted rape. According to the prosecutor general's office, authorities identified and prosecuted 21 suspects in rape cases.

Prostitution and sex tourism are not illegal, but operating brothels is prohibited. Operating a brothel and other forms of pimping are punishable by one to ten years' imprisonment. According to the NGO Hope and Help, there were between 5 and 6 thousand prostitutes, approximately 1,500 of them in the capital. Police and other security forces participated in or tolerated prostitution.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Societal norms did not consider cases of sexual harassment worthy of legal action. Although there were no official statistics, sexual harassment appeared to be widespread.

Men and women enjoy equal legal status, although gender discrimination existed and was a continuing problem in the public and private sector. According to a survey conducted during the year in Yerevan, on average, women earned 40 percent of what men earned. Women generally were not afforded the same professional opportunities as men and often were relegated to more menial or low-skill jobs.

Children

The government was committed to protecting children's rights and welfare, but a lack of economic means prevented it from fulfilling this commitment.

Education is free, universal, and compulsory through age 14; a secondary education is provided through age 16 (this represents a complete secondary education). According to the UN Development Program, in 2003 84 percent of students completed schooling through age 14, and 36 percent studied through age 16. Many facilities were impoverished and in poor condition. Access to education in rural areas remained poor, and work in fields during harvest season took precedence over school for many children. Lack of funding to provide for heat prompted school officials in many areas to extend winter school breaks by as long as an additional month. Many teachers were known to demand bribes from parents in return for good or passing grades.

In the Yezidi community, a high percentage of children did not attend school, partly for economic reasons and partly because schools lacked Yezidi teachers and books in their native language. In September the government published and distributed Kurdish- and Assyrian-language primary school textbooks.

Free basic health care was available to boys and girls through age eight, but often was of poor quality, and officials often demanded overt or concealed payment for service.

Child abuse was not believed to be a serious problem and the prosecutor general's office did not report any cases during the year. However, international and domestic NGOs reported that in July, the director of a state-run education facility in Nubarashen was fired after numerous complaints that he physically abused and sexually exploited children under his supervision.

Experts believed child marriage was a problem in small Yezidi and Kurdish ethnic minority groups, but there were no reported incidents.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was not believed to be a serious problem (see section 6.d.).

During the year a local NGO reported that nationally there were approximately one thousand homeless children and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

Trafficking in Persons

The law prohibits trafficking in persons; however, women and girls were trafficked from, through, and to the country.

Trafficking in persons violations are punishable by fines of up to \$1,000 (500 thousand AMD), correctional labor for up to 2 years, or imprisonment for up to 8 years, if the crime was committed under aggravated circumstances, such as instances when the act of trafficking results in the death of a victim or victims or involves a minor. Despite prior convictions under the 2003 antitrafficking statutes, some courts continued to prosecute traffickers under pimping charges and therefore issued lighter sentences. Trafficking charges increased, however, over the latter part of the year.

On September 22, a local-level court in Yerevan sentenced Uzbek citizen Natella Saghatelian to five years imprisonment, the country's toughest sentence to date in a human trafficking case. The NSS arrested Sahatelian in March for trafficking Uzbek women and a girl through the country to Dubai and Bahrain. Despite the conviction, Judge Iskuhi Vardanyan made inappropriate statements about the victims, denied their legal requests for counsel, and brutally harangued them from the bench about their "willing participation."

In November the prosecutor general's office launched a criminal case on charges of trafficking against Ashot Hovsepyan, who was accused of recruiting victims from Ukraine, and Sos Meliksetyan, a local nightclub owner. Both were accused in connection with four trafficking victims discovered in a nightclub on November 16, the first clear case that the country was a destination for trafficking. Hope and Help took the victims into its shelter.

All defendants charged in October 2004 in connection with trafficking 11 women were convicted. On July 8 a judge found Lusine Hakobyan guilty of recruiting women to be trafficked to the United Arab Emirates and issued a reduced, two-year suspended sentence for pimping. Reporters and international observers asserted the judge, prosecutor, and police investigator colluded with Hakobyan to arrange a guaranteed reduced sentence and clean criminal record in return for Hakobyan's bribes.

During the year 20 defendants were charged and 10 were convicted under the trafficking statute, according to the prosecutor general's office. The remaining cases were ongoing at year's end.

A governmental interagency commission, the national police, the procuracy, and the NSS are responsible for coordinating and implementing antitrafficking policy and for combating trafficking. The government actively sought bilateral cooperation with several trafficking destination countries and regularly shared information with these partners.

Authorities reported the country is a source and transit point for women and girls trafficked primarily for sexual exploitation to the United Arab Emirates, Turkey, Russia, Uzbekistan, Greece, and other European countries. However, international and domestic NGOs reported the country was also a destination point for women trafficked for sexual exploitation, particularly from Uzbekistan.

According to the general prosecutor's office, at least 80 women were victims of trafficking in 2004. Trafficking organizations typically recruited victims with the promise of high paying work in another country. Once in the country of destination, victims were deprived of their travel documents, locked in hotel rooms, and told that they must "repay" their expenses. There were reports of women encouraged to become recruiters for trafficking rings with a promise of keeping a percentage of their "earnings." Prostitutes, orphans, the homeless, and those in difficult financial situations were at particular risk of being trafficked. Trafficking victims were at greatly increased risk of sexually transmitted diseases, and some reported incidents of physical violence.

Victims reported that Russian and Armenian border guards were easily bribed or commonly worked with traffickers. Some prosecutors were also reportedly complicit in trafficking. There were persistent allegations that senior members of the prosecutor general's office were susceptible to outside influence. Some observers asserted agreements between corrupt court officials and traffickers were also common. There were persistent reports that police employees and employees of the country's international airport assisted traffickers with transportation of victims to and through the country. Unlike in previous years, there were no arrests in these types of cases.

Upon their return many victims feared societal stigma and discrimination. Government officials did not require victims to aid in finding and prosecuting traffickers, but they worked with victims who were willing to report their cases. Judges rarely prosecuted victims for violating laws in trafficking cases, but often denied them counsel and subjected them to humiliating treatment during trials.

The NGOs International Organization for Migration (IOM) and Hope and Help operated an assistance program for trafficking victims with funding from foreign governments. The government did not offer financial assistance, but increasingly referred victims to these organizations. Authorities also established a hot line to connect victims with police; however, it only worked in certain parts of the country.

NGOs, international organizations, and the government maintained trafficking prevention activities, primarily education and mass media programs to raise public awareness. International organizations trained the government's consular corps to identify signs of trafficking.

Persons With Disabilities

Whereas the law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, discrimination was a problem. The law and a special government decree mandate accessibility to buildings

for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

Institutionalized patients often lacked medication, and care was substandard. Hospitals, residential care, and other facilities for persons with serious disabilities were also substandard.

The Ministry of Labor and Social Affairs was responsible for protecting the rights of persons with disabilities but lacked the resources to fulfill this responsibility.

National/Racial/Ethnic Minorities

The Yezidi community, whose number was estimated at between 30 and 40 thousand by its leaders, speak a Kurdish dialect and practice a religion derived from Zoroastrianism, Islam, and animism. Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination, including: incidents of unfair adjudication of land, water, and grazing disputes; hazing of Yezidi conscripts in the army; and poor police response to serious crimes committed against Yezidis (see sections 1.c. and 2.c.). According to Yezidi community leaders, appeals on their behalf were raised at all levels of the government with no response and none expected.

Other Societal Abuses and Discrimination

Military officers targeted homosexuals for hazing. The Helsinki Association reported cases of police harassment of homosexuals through blackmail, extortion, and, on occasion, violence. In 2004 Armen Avetisyan of the Union of Armenian Aryans launched a campaign to expose homosexuals within the government.

Section 6 Worker Rights

a. The Right of Association

The law provides workers, except for those serving in the armed services and law enforcement agencies (see section 2.b.), with the right to form and to join unions of their choice without previous authorization or excessive requirements, but most workers did not exercise this right in practice. Labor organizations remained weak because of high unemployment and poor economic conditions in the country. The Confederation of Labor Unions (CLU) estimated there were 290 thousand members of 25 labor unions, about the same number as reported the previous year. There were also other labor unions which did not belong to the CLU.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right. Although the law provides for collective bargaining, in practice there was no collective bargaining. Factory directors generally set pay scales without consulting employees. Labor disputes were arbitrated in regular or economic courts.

The law provides for the right to strike, except for members of the armed services and law enforcement, but workers rarely went on strike. The law also prohibits retaliation against strikers. On June 3, however, Ararat Gold Recovery Company (ARGC) fired 24 employees at ARGC's gold mining facility near Zod, allegedly for organizing a May 11 strike over wage and workplace safety issues. ARGC initially dismissed 463 employees and required them to reapply for their positions; it did not rehire 11 employees who were members of the Lernagorts Labor Union and 13 unaffiliated employees. Four sued ARGC for reinstatement; their cases were pending at year's end. ARGC maintains it fired the employees on legitimate grounds.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.

The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16; children may work from age 14 with parental and labor union permission. The law was unevenly enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, and on holidays.

According to the Ministry of Labor and Social Affairs, many children were involved in family businesses, as well as in other activities, such as agriculture, which is not prohibited by law. Children were also observed in Yerevan selling newspapers and flowers, and working in local markets.

e. Acceptable Conditions of Work

The government sets the minimum wage by decree. The monthly minimum wage of approximately \$26 (13 thousand AMD) did not provide a decent standard of living for a worker and family. Approximately 43 percent of the population lived below the poverty line of about \$60 (30 thousand AMD) or less per month. An estimated 15 percent of the population was considered extremely poor, with a monthly income of less than \$30 (15 thousand AMD). The government did not effectively enforce the minimum wage law.

The law sets the workweek at 40 hours and provides for mandatory rest periods and overtime compensation. On April 19, the State Labor Inspectorate officially replaced the Ministry of Labor and Social Affairs as the government's chief enforcement agency for workers' rights, occupational health, and safety standards. By year's end the inspectorate had made little progress toward implementing an inspection regime or the requirements of the new labor code.

Workers had the right to remove themselves from work situations that endangered health and safety, although in practice, doing so likely jeopardized their future employment, especially for those persons who worked in the shadow economy. The law requires the government to set occupational and health standards, but by year's end the government had not adopted standards.

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