Armenia

Country Reports on Human Rights Practices - 2007
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Armenia is a constitutional republic with a population of approximately 3.2 million. The constitution provides for an elected president and a unicameral legislature (the National Assembly). The May parliamentary elections failed to fully meet international standards due to procedural flaws, despite improvements over past elections. The country has a multiparty political system. Civilian authorities generally maintained effective control of the security forces, although some members of the security forces committed human rights abuses.

The government's human rights record remained poor, and serious problems remained. Citizens were not able to freely change their government; authorities beat pretrial detainees; the National Security Service (NSS) and the national police force acted with impunity; authorities engaged in arbitrary arrest and detention; prison conditions were cramped and unhealthy, although slowly improving; authorities imposed restrictions on citizens' privacy, freedom of press, and freedom of assembly. Journalists continued to practice self-censorship, and the government and laws restricted religious freedom. Violence against women and spousal abuse remained problems, as well as trafficking in persons, discrimination against persons with disabilities, and societal harassment of homosexuals. There were reports of forced labor.

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; however, the government reported that during the year, there were three army homicides and four suicides which were judged as resulting from military-related hazing.

Human rights groups dealing with soldiers' rights asserted that most of the suicides in the army were homicides. The groups noted that officers frequently tampered with evidence in an effort to restore order in their units and possibly to eliminate incriminating evidence.

Family members of Hovhannes Meltonyan, a soldier who reportedly had committed suicide on July 7, suspected that his death was a homicide. The family noted that the body of Meltonyan, who had been serving in the Koghb military unit in the Tavush region, had numerous bruises. At year's end, one military officer was in custody under criminal charges of inducement to suicide in connection with the case, after authorities' investigation concluded that Meltonyan committed suicide as a result of abuse inflicted by the defendant.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Landmines placed along the 540−mile border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the year there were no deaths caused by landmine explosions; however, nine military servicemen were injured. There were no reports of civilian deaths caused by landmines, although a civilian reportedly lost a leg in a landmine explosion that occurred on May 13 in Ijevan.

According to official information six military personnel were killed and 22 were injured along the line of contact due to shooting from the Azerbaijani side.

There were high-profile killings by unidentified assailants during the year. On August 25, an unknown person shot and killed the chief prosecutor of the Lori region, Albert Ghazaryan, who was on his way home. An investigation was ongoing at year's end.

On April 2, unidentified assailants attacked Gyumri Mayor Vartan Ghukasyan and his entourage with automatic weapon fire as they returned from Yerevan to Gyumri. Three of the mayor's bodyguards and the driver of one of the two cars died in the attack, and the mayor and his deputy sustained serious injuries.

On March 7, authorities arrested a suspect in the September 2006 death of a senior tax official, who was killed by a bomb hidden under the seat of his car. The case was still in progress at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the law prohibits such practices, they were employed by some members of the government's security forces. Witnesses continued to report that police beat citizens during arrest and during interrogation while in detention. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment went unreported because of fear of retribution. Human rights groups reported that more than half of the individuals transferred to prisons from police detention facilities alleged that they were tortured, abused, or intimidated while in police custody.

Drawing on data collected in 2006, the Partnership for Open Society Initiative, composed of human rights NGOs, reported in June that the main purpose of torture in the country was to extort confessions. Courts generally accepted defendants' confessions as valid evidence, even when it was questionably obtained. The report also noted that approximately 80 percent of criminal trial defendants recanted testimony given during pretrial investigation, claiming they had confessed under torture or duress. The criminal justice system generally disregarded such claims and conducted little or no investigation.

On May 12, authorities reported the death in custody of Levon Gulyan, a witness to a gunfight that occurred May 9 near Gulyan's restaurant. Police initially reported that Gulyan fell to his death while trying to escape out of a second story window of the police station. Gulyan's family, their lawyers, and human rights activists claimed that police at the scene threw Gulyan out the window or off the roof. Gulyan's family noted that there were marks of violence on his body when he had returned home from previous interrogation sessions. Two other witnesses in the case, Marine Grigorian and Hayk Melkumian, also reported violence during their questioning. An independent autopsy requested by Gulyan's family found that he died from a fall but did not reveal his condition prior to the fall; some observers questioned the results of the independent autopsy, noting that the state autopsy resulted in the removal of some of Gulyan's vital organs. Prosecutors began a criminal investigation into the circumstances of Gulyan's death under a provision of the Criminal Code that criminalizes "actions inducing a person to suicide," thereby ostensibly limiting the potential crimes that could be investigated. On May 16, the police also launched a separate internal investigation into the case, and reportedly subjected two police officers to

disciplinary actions.

Following the August 25 killing of Lori chief prosecutor Albert Ghazaryan, human rights activists and the media reported numerous instances of police violence and intimidation during the investigation of the killing. On September 7, police arrested Arman Darpinian, the owner of the Bellissimo Club and allegedly a suspect in the killing, on charges of illegal arms possession. Prosecutorial investigators reportedly then beat and threatened five club employees, forcing several to sign statements without showing them the content. Club manager Karen Dodoyan was held in custody for three days and required hospitalization for a concussion upon release, according to his family. Another club manager, Ashot Ghukasyan, was also beaten and detained for two days. Other employees were verbally abused and threatened. On September 13, the prosecutor general ordered an inquiry into these reports of brutality; however, by year's end the status of this inquiry was unclear. Darpinian was released from custody on October 24.

On November 13, the officers of the police department on fighting organized crime reportedly severely beat Artavazd A., breaking his ribs and causing other injuries. The government human rights defender, who reported the case, visited Artavazd A. on November 29 when he was being transferred to the hospital with a "brain stroke" diagnosis. The human rights defender appealed to the national police chief to start an investigation into the circumstances of the abuse. By year's end the status of the case was unclear.

On November 20, the office of the human rights defender reported its visit to Nubarashen Prison the day before to meet with a detainee who alleged that, from October 5 to October 7, the criminal investigation officers of Mashtots community police in Yerevan had severely beat him before he was transferred to prison. According to the detainee, the beating continued even after he had confessed the theft he had committed, since the police officers wanted him to confess to other undisclosed crimes. The staff of the human rights defender's office saw the injuries, which were also recorded in the journal of the Nubarashen Prison. The human rights defender appealed to the police chief to conduct an internal investigation in order to reveal and punish the perpetrators. By year's end the status of the case was unclear.

On December 13, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its visit to the country in April 2006. The CPT maintained its assessment that persons deprived of their liberty by the police in Armenia run a significant risk of being mistreated.

In the course of the 2006 visit, the CPT delegation received numerous and consistent allegations of physical mistreatment of persons detained by the police. Almost all of these allegations were made by remanded prisoners (including women and juveniles) who had recently been in police custody. The alleged mistreatment consisted mainly of slaps, punches, kicks and striking with truncheons, wooden sticks or chair legs. Some allegations of abuse also involved beating on the soles of the feet and asphyxiation using a plastic bag. The alleged abuse was reported almost exclusively as occurring during the period of initial interviews by police officers, with the aim of the abuse reportedly being to obtain confessions, statements or other information. Additionally, several persons interviewed by the delegation (including women and juveniles) gave accounts of unacceptable psychological pressure put on them in order to make them confess to a crime, in the form of insults, humiliation and threats to use physical force or sexual violence against them or their relatives or friends.

Customs within the military and substandard living conditions in the armed forces contributed to mistreatment and injuries unrelated to military operations. Although no reliable statistics were available on the full extent of military hazing, soldiers reported to human rights NGOs that the practice continued during the year. The families of soldiers claimed that corrupt officials controlled military units. Other human rights monitors reported cases in which soldiers were conscripted into army service despite having serious disqualifying health conditions. Authorities took limited measures to curtail these practices, convicting 37 military personnel in connection with criminal cases of hazing during the year.

On July 7, platoon commander Garik Mikayelyan tried to kill himself by electrocution. The unsuccessful attempt resulted in the amputation of both his hands. According to a human rights group, Mikayelyan's suicide attempt stemmed from alleged hazing by the head of his unit, Artak Gasparyan. Prosecutors indicated they had found evidence to substantiate that he had subjected Mikayelyan to inhumane treatment. At year's end Gasparyan was in jail awaiting trial on charges of inducing suicide, as the criminal investigation continued.

A soldier reported in February 2006 that fellow servicemen raped him while they were on active duty. The status of the case was unknown at year's end.

At year's end criminal charges remained in place against three soldiers accused of murdering two fellow servicemen in 2003; sentences for the three were nullified by the Court of Cassation in a December 2006 decision. The murder case was based on the confession of Razmik Sargisian, a soldier who claimed that he confessed involvement in the killings after military investigators and military police had physically abused him for five days, suspending him by his hands, beating him, and threatening him with rape if he did not confess to the killings. Sargisian's confession implicated two other soldiers, and the court of first instance had sentenced all three to 15-year terms in May 2005. Following an unsuccessful appeal, the Court of Appeals extended their sentences to life in prison in May 2006. In December 2006 the Cassation Court nullified the previous convictions of the soldiers on the grounds that the original investigation had not been conducted lawfully; the court subsequently ordered their release and sent the case for further investigation. The investigation was closed, and at year's end both sides were preparing for trial. The three defendants remained free pending conclusion of the reinvestigation. Meanwhile, the chief military prosecutor reported that a criminal investigation into the abuse allegations was closed, after finding no evidence that investigators abused Rasmik Sargsian.

Prison and Detention Center Conditions

Prison conditions remained poor and threatened inmates' health, although the Civil Society Monitoring Board (CSMB), an organization established by government initiative involving prison monitoring by NGO personnel, reported some improvements as authorities began to renovate old prisons. Cells were overcrowded, inmates lacked basic hygiene supplies, and food quality remained poor. The CSMB reported that prisoners were at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely received the schooling required by law. The CSMB reported other chronic problems, including denial of visitor privileges, medical neglect, and in some cases, physical abuse.

According to observers, most instances of abuse of prisoners and detainees by law enforcement authorities occurred in police offices, rather than in police detention facilities which are subject to human rights monitoring. In its November 2006 report, the CPT noted allegations that detainees had spent up to 10 days in various police district divisions in Yerevan without mattresses, blankets, and food other than that supplied by relatives. In its December report, the CPT said it observed an improvement in police holding areas that had been refurbished, or were in the process of refurbishment in 2006. Mattresses, blankets, and food were supplied to detainees at the facilities that CPT observed. The CPT reported deficiencies, however, in the Vanadzor, Sisian, and Yeghegnadzor police departments, namely small cell space, cold temperatures, and lack of hot water.

During the year authorities opened a new prison in Vanadzor and completely renovated the prison in Artik, bringing both facilities in line with international standards. In late 2006 and early 2007, authorities closed prisons in Vanadzor and Gyumri, considered the country's two worst.

Corruption in prisons continued to be a problem, exacerbated by very low salaries for prison administration employees, poor and sometimes dangerous working conditions, and a lack of staff. In certain facilities prisoners bribed officials to obtain single occupancy cells and additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends seeking to deliver 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.

Despite the transfer of all prisons to the jurisdiction of the Ministry of Justice between 2001 and 2003, the NSS continued de facto to operate the Yerevan-Kentron prison, located on NSS property; the facility was often used to hold pretrial detainees and sentenced prisoners whose cases were politically sensitive. There were reports that NSS monitored communications of prisoners held in this prison, including their meetings with attorneys.

The government permitted local NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in prisons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities continued to permit

personnel of the CSMB to visit prisons without giving advance notice. A separate Public Monitoring Group monitored police detention facilities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The national police are responsible for internal security, while the NSS is responsible for national security, intelligence activities, and border control; both organizations report directly to the prime minister. The police and the NSS continued to lack 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 remained a serious problem.

Corruption remained a significant problem in the police force and security services, but reform efforts continued, mainly in the area of traffic control and criminal investigations. The police continued to implement procedures established in November 2006 to curb corruption at roadside checkpoints. The government also established a new system of paying traffic fines to reduce opportunities for bribes, and the frequency of bribe-taking appeared to decrease during the year.

There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. The government reported that during the year citizens lodged four complaints against police for mistreatment of detainees. The police opened internal investigations into these complaints; the status of the investigations was unclear at year's end. The prosecutor's office launched one criminal case into an instance of mistreatment of detainees, which was ongoing at year's end.

The government reported that police conducted 16 internal investigations into misconduct by on-duty police officers during the year. Based on these investigations the government reported that during the year 23 police officers received administrative penalties (compared to 20 in 2006) including removal of 21 officers from the police service. The prosecutor's office opened 13 criminal cases based on the internal investigations which resulted in nine convictions. Four cases were ongoing at year's end.

By law detainees may file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations; however, detainees must obtain permission from police or the prosecutor's office to obtain a forensic medical examination needed to substantiate a report of physical abuse. Human rights NGOs reported that authorities rarely granted such permission.

The government enacted a major reorganization during the year, transferring primary responsibility for criminal investigations from the prosecutor general's office to various police agencies. Some 200 full-time criminal investigators were transferred from the prosecutors' service to police agencies by the end of the year. The move was intended to improve institutional checks and balances in the judicial system.

Beginning in March, a pilot community policing project designed to facilitate cooperation between police and the general public was initiated by the Organization for Security and Cooperation in Europe (OSCE) at the Arabkir district police department in Yerevan.

In August 2006 police opened a community justice center in Vanadzor with help from the local affiliate of the international NGO, Project Harmony. During the year, the center offered counseling to first-time juvenile offenders and brought local police into public schools for community outreach.

Arrest and Detention

Prosecutors and police must first obtain a warrant from a judge to detain an arrested suspect in excess of 72 hours. Although judges rarely denied police requests for arrest warrants, police at times made arrests without a warrant on the pretext that detainees were material witnesses rather than suspects. The law provides that a detainee must either be indicted or released within three days of arrest, and this procedure was usually followed in practice; however, there were cases when police skirted this requirement by alleging that suspects were material witnesses, or that they were simply "invited for a discussion." The law provides for a bail system; however, in practice, 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. They often questioned and pressured detainees to confess prior to indictment and in the absence of counsel. Police sometimes restricted the access of family members and lawyers to detainees.

Lengthy pretrial detention remained a problem. According to the law, a suspect may not be detained for more than 12 months, but some defendants were in pretrial detention for three or more years. The government reported that during the year, pretrial detainees constituted on average about 691 persons of a prison population of nearly 3,532.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, despite structural changes initiated in 2006 that still continue and have resulted in a somewhat greater independence, courts remained subject to political pressure from the executive branch, and judicial corruption was a serious problem.

The law provides for a three-tier court system, including the courts of first instance, the Review Court, and the Court of Cassation. Cases originate in courts of first instance; appeals are lodged with the Review Court and the Court of Cassation. There is a specialized economic court, which serves both as first instance and review court for civil cases of an economic character. The Constitutional Court rules on the constitutionality of legislation, approves international agreements, and rules on election-related questions.

A July 2006 law provided citizens with the right to appeal to the Constitutional Court. During the year 1,296 citizens appealed to the Constitutional Court, out of which the court accepted 60 cases for further review.

The Council of Justice is responsible for recommending candidates for all judgeships, who are then appointed by the president, who continued to retain a highly influential role over judicial branch personnel. The council also nominates candidates for the chairmen of courts on all three levels and their chambers, and subjects judges to disciplinary proceedings for misconduct. The president and the National Assembly each appoint two scholars to the council, and the General Assembly of Judges elects the remaining nine members from among themselves by secret ballot.

On July 24, the Constitutional Court ruled that sending back criminal cases for additional investigation was unconstitutional; the court then declared invalid all the relevant provisions of the Criminal Procedural Code. As a result, trials must end either by acquittal or guilty verdicts, effectively ending the practice of holding defendants indefinitely for "additional investigation" when underlying cases are weak.

On July 16, the first instance court chaired by Judge Pargev Ohanian of Kentron and Nork Marash Community of Yerevan fully acquitted and ordered the release of two businessmen, owner Gagik Hakobyan and top executive Aram Ghazaryan of the Royal Armenia company, arrested in 2005 for smuggling, tax evasion, and fraud. The businessmen claimed that the Customs Security Service was corrupt and, together with the NSS, had fabricated the case against them. On September 11, in response to an appeal by the prosecutor's office, the review court overturned the first instance court's decision and restarted criminal cases against the two businessmen, placing one of them in custody. On November 29, the review court found the two businessmen guilty on all charges, sentencing Gagik Hakobyan to six years' imprisonment and Aram Ghazaryan to two years in prison, with the confiscation of half of the defendants' property. However, the court capped the financial damages penalty at no more than $1.5

million (455 million drams) in material damages caused to the state and $556,000 (167 million drams) to a private company in compensation of financial damages it suffered. Since Ghazaryan had already spent almost two years in prison, the court released him immediately, crediting time already served, and also reduced Hakobyan's term by two years for the same reason. On October 15, acting upon the recommendation of the Council of Justice, the president terminated Judge Ohanian's judicial appointment, allegedly for a series of violations while adjudicating a number of civil and criminal cases. Some observers charged that the president's move was in retaliation for Judge Ohanian's acquittal of the businessmen.

On June 28, the European Court of Human Rights (ECHR) made its first ruling against Armenia, stating that the right to a fair trial had been violated in the case of Misha Harutyunyan. In 1999, while serving in the military, Harutyunyan was accused of killing a fellow serviceman and sentenced to 10 years in prison. The ECHR noted that the applicant and two witnesses had been coerced into making confessions, a fact which domestic courts confirmed when the police involved in the case were convicted of mistreatment.

Trial Procedures

The law generally requires that trials be public, but it permits exceptions, including when a trial's secrecy is in the interest of "morals," national security, or for the "protection of the private lives of the participants." Juries are not used. A single judge issues verdicts in courts of first instance, and panels of judges preside over the other courts. Defendants generally have the right, and are generally required, to be present at their trials, but this requirement also has many exceptions. They have the right to counsel of their own choosing, and the government is required to provide them with defense counsel upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Defendants also commonly refused free counsel due to the poor quality of the public defenders, or 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 the trial. Both defendants and prosecutors have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was not observed.

Court statistics released in August 2006 indicated that less than 1 percent of court cases resulted in acquittals. However, these statistics did not reflect the many cases that judges remanded to the prosecutor's office for lack of evidence, and that prosecutors dropped and never sent back to court. In effect, there were instances when prosecutors lost their cases during the year.

There were widespread reports that prosecutors and police used confessions that were obtained through methods that some NGOs characterized as torture. Defense lawyers may present evidence of torture to overturn improperly obtained confessions; however, defendants, their attorneys, and NGOs often stated that judges and prosecutors refused to admit such evidence into court proceedings, even when the perpetrator could be identified.

Political Prisoners and Detainees

In December 2006 law enforcement authorities arrested Zhirayr Sefilian and Vardan Malkhasyan, the leaders of a small hard-line opposition group called the Alliance of Armenian Volunteers, on charges of "public calls for the overthrow of the constitutional order by force" and illegal possession of arms. According to the NSS, Sefilian and his supporters were planning to use force to influence political developments in the country ahead of the May parliamentary elections. Human rights observers charged the arrest was politically motivated and that authorities used the controversial article of the Criminal Code to intimidate the opposition ahead of the May elections. The evidence against Sefilian and Malkhasyan consisted of texts of speeches that they had made in December 2006 during the founding session of the newly established Alliance of Armenian Volunteers. On August 6, the court sentenced Malkhasyan to two years in prison. The court, however, cleared Sefilian on the charges of public calls for violence, and sentenced him instead to 18 months in prison only for illegal possession of arms. Both the defendants and prosecutors appealed the verdicts, with the former denouncing the case as politically motivated. On September 25, a review court in Yerevan upheld the verdicts.

On May 7, the NSS arrested Alexander Arzumanyan, a former foreign minister, prominent member of the Armenian National Movement Party, and head of the small opposition group called the Civil Disobedience Movement. Arzumanyan, who was charged with money laundering, called the arrest politically motivated and denied any illicit activity; he was supported by many human rights activists. Authorities seized more than $50,000 (15 million drams) in cash from Arzumanyan's home at the time of his arrest. On September 6, the NSS released Arzumanyan on his own recognizance. Charges remained pending at year's end.

Arman Babajanian, the editor of the opposition newspaper *Yerevan Zhamanak,* who was arrested in June 2006 and charged with document forgery and evasion of military service, remained in prison. He was convicted in September 2006. Babajanian admitted his guilt, but his four-year sentence was widely considered harsher than normal in such incidents, and some observers charged that he was the victim of selective enforcement. On January 12, an appeals court upheld his guilty verdict but shortened his sentence by six months. During the year the court twice rejected his appeals for release on parole in August and December.

Civil Judicial Procedures and Remedies

The same courts hear civil and criminal cases. Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had access to the government human rights defender's office, and as of 2006 were given access to the Constitutional Court when they judged that their constitutional rights were not being protected.

During the year none of the residents of the more than 100 homes in downtown Yerevan, which were razed to make way for a new boulevard and private development, won their court cases in which they protested their evictions and the amount of compensation they had received. Despite the Constitutional Court's ruling in April 2006 that the 2002 government decision authorizing such demolitions violated the constitution, no remedies were offered. On June 7, the ECHR initiated a settlement in one such case, Chghlyan vs. Armenia, when the government agreed to pay $150,000 (45 million drams) compensation in exchange for the claimant dropping the ECHR complaint.

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

The constitution 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.

By law, judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence; however, the law was not strictly enforced in practice, and some judges arbitrarily granted permission.

Although free expression and secrecy of private communication are protected by the constitution, the Russian-language newspaper *Golos Armenii* in April published two editorials quoting from, and negatively characterizing, a conversation between opposition party chairman Artur Baghdasarian and a foreign diplomat. The conversation was alleged to have been clandestinely recorded. The primary state-run H1 television channel presented the first editorial verbatim in its main news program, and did not give the opposition party leader an opportunity to respond. Government authorities said they would investigate, but had not done so by year's end.

Police occasionally maintained surveillance of draft-aged men to prevent them from fleeing the country.

On June 22, a Yerevan court ordered prosecutors to launch an investigation into the complaints filed by the Heritage Party in 2006 alleging illegal hacking, among other things, of party computers by state authorities. The investigation was ongoing at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and freedom of the press, but the government generally did not respect these rights in practice. There were incidents of violence, intimidation, and self–censorship in the press.

On August 18, at the opening of the Fourth Pan-Armenian Games held in Yerevan, police reportedly prevented several citizens from distributing leaflets to participants and spectators that called for the release of jailed government critics. According to media reports, police briefly detained and later released the three individuals, but confiscated the leaflets they had been distributing.

At the closing ceremony of the Pan-Armenian Games on August 26, police reportedly prevented family members of Levon Gulyan, who died on May 12 in police custody under suspicious circumstances, from distributing leaflets to participants. According to media reports, police at the scene, saying the allegations contained in the leaflets discredited the police force, confiscated the leaflets, and threatened with arrest those who did not voluntarily hand over the leaflets.

On October 30, police filed criminal charges against two opposition editors, Nikol Pashinyan of *Haykakan Zhamanak* and Shogher Matevosyan of *Chorrord Ishkhanutyun*, both of whom participated in an opposition march on October 23 that was broken up by riot police. The charges included "hooliganism committed by a group" and "violence against a representative of the authorities." By year's end the case against the editors was still pending.

After airing on October 14 a September 21 speech by presidential candidate and former president Levon Ter-Petrosyan critical of the government, Gyrumi-based independent Gala TV reportedly came under intense scrutiny by various government authorities in an effort to shut down the station or bring the reporting content of the station in line with the state-controlled media. On October 31, the State Tax Service (STS) began an audit into the company, announcing in advance of the audit in a newspaper interview on October 25 that the company had violated tax regulations. On November 14, the STS accused Gala TV of evading about $86,000 (26 million drams) in taxes over the last two years. Gala's parent company, Chap, rejected the accusation, and said the audit's findings were politically motivated. STS followed up its audit with a request to the Economic Court to freeze Gala's bank accounts and assets. Although the request was initially rejected, it was granted a week later when the Economic Court stated STS had provided additional documents to support its request. In addition, STS accused Gala TV of illegally using a state-owned television tower for its broadcasts. The mayor of Gyumri appealed to the Economic Court to force the removal of Gala's transmitter from the tower. Gala appealed to the court, contesting the STS audit results. All cases against Gala were pending at year's end.

On November 6, during the STS audit of Gala TV, one of the inspectors attacked a cameraman videotaping the audit process, choking him and trying to take the camera away. Following a complaint by the cameraman, the police started an investigation into the case, but decided on November 30 not to open criminal proceedings. Gala TV applied to the prosecutor general's office contesting the police decision on December 24.

On December 6, tax inspectors confiscated thousands of newly printed leaflets ordered by the "Alternative" opposition political movement, announcing an opposition rally to be held in Yerevan on December 8. According to reports, Artak Arakelyan, an opposition activist, was taken into custody for six hours and fined $50 (15,000 drams) on the grounds that he had no documents certifying the origin of the fliers. STS personnel also inspected the Van Arian printing company's books and briefly detained one of its employees.

On December 13, the office of the opposition newspaper *Chorrord Ishkhanutyun* was rocked by an explosion, which its editor in chief linked to its critical coverage of the government. The explosive device was planted at the entrance of the office and went off early in the morning, damaging the door and some office furniture. No one was present at the time of the explosion, which occurred well before working hours. The police launched an investigation into the case, which was ongoing at year's end.

In December 2006 authorities arrested Zhirayr Sefilian and Vardan Malkhasyan, members of the political opposition, for speeches they made during a political gathering, alleging that the latter were planning to stage a coup.

Most newspapers were privately owned, with the exception of government-sponsored *Hayastani Hanrapetutyun* and its Russian-language version, *Respublika Armenia*. The print media pursued stories vigorously and expressed a wide variety of views without restriction, but no media outlet was completely independent of patronage from economic or political interest groups or individuals.

Newspaper circulation was very limited, and most of the population relied on television and radio for news and information. There were 14 radio and 42 television stations, most of them privately operated. Private television stations generally offered news coverage of good technical quality; however, the substantive quality of news reporting on television and radio varied. Most stations were owned by progovernment politicians or well connected businessmen, factors that prompted journalists to engage in self-censorship. Major broadcast media outlets generally expressed progovernment views. All Armenian TV and radio stations avoided editorial commentary or reporting critical of the government.

A1 Plus, the last politically independent television station to operate in the country, still remained without a frequency at year's end. A1 Plus went off the air after the government revoked its frequency in 2003, a move many observers at the time viewed as politically motivated. A1 Plus, which has unsuccessfully filed 12 applications for radio or television licenses since 2003, did not file an application during the year.

During the 40-day preelection period leading up to the May 12 parliamentary elections, broadcast media outlets were more generous in the coverage they allocated to opposition politicians than in past years. Several were given the opportunity to speak about their programs and positions. Public television adhered to the legal requirement to provide two minutes of free airtime daily to each party registered to contest the election, and these broadcasts aired without editorial restrictions. Nevertheless, based on its media monitoring efforts, the OSCE reported that the enhanced coverage was devoid of critical comment by television media.

From October until mid-December, TEAM Research Center, with the support from the Armenian affiliate of the Open Society Institute Assistance Foundation and the Yerevan Press Club, conducted monitoring of broadcast media in anticipation of February 2008 presidential elections. During the year two interim reports were published covering the months of October and November. The report revealed strong bias in coverage of two presidential candidates, Prime Minister Serzh Sargsian and former president Levon Ter-Petrosyan. More specifically, the prime minister, who received abundant coverage in his official capacity, received mostly positive and sometimes neutral coverage, while Ter-Petrosyan received predominantly negative, and on rare occasions, neutral coverage.

International media outlets generally operated freely. In July public radio informed Radio Free Europe(RFE)/Radio Liberty that it had adopted a new policy regarding foreign broadcasting and would no longer carry foreign programming. Radio Liberty was the only foreign programming on Public Radio, and also the only radio broadcaster known to air viewpoints critical of the government. RFE/Radio Liberty subsequently signed an agreement to expand its programming on a private channel that has less national coverage than Public Radio.

In June a Yerevan court convicted journalist Gagik Shamshian of fraud and embezzlement, and sentenced him to a suspended 30-month prison term with a two-year probation period. The court also ordered him to pay $580 (200,000 drams) to a private plaintiff. This followed a 2006 incident in which Shamshian went public with allegations directed at a local political leader's family, which he later retracted after being physically assaulted.

Police assaulted journalists during the year. On May 9, while dispersing a preelection rally organized by the Impeachment Bloc, a grouping of several opposition parties, police officers assaulted two reporters, Tsovinar Nazarian from *Hayastani Hanrapetutiun*, and Gagik Shamshian, a freelance journalist who worked for opposition papers. Police attempted to confiscate Shamshian's camera but were prevented from doing so by rally participants. The police used tear gas on Nazarian as she attempted to film the police activities.

On October 25, Gohar Veziryan, a female journalist from *Chorrord Ishkhanutyun* was reportedly hospitalized with a concussion suffered during the break-up of a march on October 23, where police had used tear gas and batons.

Unidentified perpetrators also harassed and intimidated journalists during the year.

In January unidentified arsonists set fire to the car of Suren Baghdasaryan, the editor of the weekly *Football Plus.* A similar arson attempt occurred in February 2006 after Baghdasaryan commented on an Armenian team's failure to play against an Azerbaijani team. Police promptly launched an investigation; however, the arsonists had not been found by year's end.

On February 8, unidentified arsonists set fire to the car of Ara Saghatelyan, director of the Panorama.am internet news portal and editor of the privately owned *Im Iravunk* weekly. A police investigation was ongoing at year's end.

On September 15, two unidentified assailants attacked and beat with metal bars Hovhannes Galajyan, the editor in chief of the opposition *Iskakan Iravunk* newspaper; Galajyan was hospitalized from his injuries. The Prosecutor General's Office promptly launched an investigation, but there were no new developments by year's end. Galajyan had suffered a similar such attack in September 2006, but investigators never identified or apprehended the perpetrators.

Arman Babajanian, the editor of the opposition newspaper *Yerevan Zhamanak,* who was convicted in September 2006 of document forgery and evasion of military service, remained in prison. Babajanian admitted his guilt, but his four-year sentence was widely considered harsher than normal in such incidents, and some observers charged that he was the victim of selective enforcement. On January 12, an appeals court upheld his guilty verdict but shortened his sentence by six months. During the year, the court twice rejected his appeals for release on parole in August and December.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in a peaceful expression of views via the Internet, including by e-mail. Internet cafes were widely available in the cities, although local Internet service provider connections were often too slow to be useful.

Academic Freedom and Cultural Events

In general the government did not restrict academic freedom or cultural events. However, on March 15, the administration of Yerevan State University dismissed lecturer Sasun Saribekyan, allegedly for criticizing authorities during lectures and facilitating a meeting between his students and an opposition figure.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but there were some limits on this right in practice. Organizers are not required to obtain a government permit to stage a rally or demonstration but are required to notify authorities in advance of their plans for such events. Political parties generally demonstrated freely in Yerevan during the parliamentary and presidential campaign seasons, though there were some instances of local authorities denying permission for public rallies. There were also locations, such as military installations and sensitive power generation facilities, where persons could not demonstrate without permission. The law empowers police to break up illegal rallies and demonstrations, particularly those that encourage violence and the overthrow of the government.

On May 9, the police forcibly dispersed an unsanctioned opposition rally in front of the NSS building; eyewitnesses said riot police used batons and tear gas. Several eyewitnesses from among the opposition reported that the police use of violence was brief, and that more senior police officers moved quickly to negotiate a peaceful resolution with opposition leaders.

On October 23, riot police dispersed an opposition march using force and tear gas, detaining 12 activists as they were announcing through loudspeakers the date of an opposition rally in support of Levon Ter-Petrosyan.

There were reports that government authorities hindered political party meetings and pressured property owners to evict opposition parties from meeting facilities. Some opposition parties reported that during the parliamentary campaign season local authorities created obstacles to political gatherings in the regions, including urging people not to attend such assemblies, or arranging electrical failures at meeting halls.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected it in practice. However, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates that citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

c. Freedom of Religion

The law provides for freedom of religion; however, there were some restrictions in practice. The Armenian Apostolic Church is considered the national church and enjoys some privileges not available to other faiths. The law does not mandate registration of NGOs, including religious groups. However, only registered organizations have legal status and may publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio, or officially sponsor visas for foreign visitors, although there is no prohibition on individual members doing so. There were no reports of the government refusing registration to religious groups. The law also requires all religious organizations except the Armenian Apostolic Church to obtain prior permission to engage in public religious activities.

The law prohibits but does not define "proselytizing" and bans foreign funding for foreign-based churches, but neither restriction was enforced.

During the year members of the Jehovah's Witnesses reported two instances where they were unable to obtain shipments of religious literature due to customs issues. On March 29, customs officials in Yerevan reevaluated a shipment of religious periodicals received by the Jehovah's Witnesses at a significantly higher rate than the group expected, making it financially difficult for them to arrange clearance of the shipment. Customs officials maintained that the reevaluation was in accordance with the customs code, which makes no special provision for religious or other literature intended for free or low-cost distribution. Unable to resolve this matter, the Jehovah's Witnesses obtained permission to return this first shipment to Europe in June. In the same month, they received a second shipment, which was pending customs clearance at year's end, again because of the high duties leveled. The Jehovah's Witnesses reported that they have visited customs officials and sent letters to various government authorities to seek the release of the shipment, to no avail.

Although the country has a law providing alternative service for conscientious objectors, the military services themselves administer the alternative service, and members of Jehovah's Witnesses refused the alternative program for that reason. Since 2005 there have been no applications for alternative service. According to lawyers for Jehovah's Witnesses, as of year's end 70 of their members were in prison, 67 were serving sentences, and three were awaiting trial. Five more had received suspended sentences.

At the end of October, the Jehovah's Witnesses reported that conscientious objectors continued to encounter difficulties obtaining legal documents after they completed their jail terms. Although 10 individuals managed during the year to obtain relevant documents (passports, residential registrations, and military booklets), more than 60 individuals were unable to do so, despite complaints filed with authorities. Such documents are important for securing employment, as well as residency registration.

Societal Abuses and Discrimination

Societal attitudes toward most minority religions were ambivalent. Television outlets disparagingly labeled some denominations as "sects" in their broadcasting and aired negative programs about them.

According to observers the general population viewed nontraditional religious groups with suspicion and expressed negative attitudes about members of Jehovah's Witnesses because of their proselytizing practices and refusal to serve in the armed forces. Members of Jehovah's Witnesses continued to experience occasional societal discrimination.

In October members of Jehovah's Witnesses reported the ongoing placement of posters around Yerevan by a group called One Nation that denounced their church. The posters were periodically replaced with fresh copies.

On June 1, two members of Jehovah's Witnesses in the village of Lusarat were verbally harassed and assaulted by a passing Armenian Church priest. The assaulted individuals agreed to drop charges pending the priest's apology, which never materialized. Police closed the case for lack of evidence after the priest denied the incident.

On July 31, in Yerevan, an off-duty police major and his brother beat a husband and wife who were members of the Jehovah's Witnesses. A driver of a passing car and other bystanders stopped the beating. The couple filed complaints with the police, the prosecutor's office, and the human rights defender.

Jewish community leaders estimated the community's size at between 500 and 1,000 persons. There is a resident rabbi and one synagogue. The Jewish community is accepted as an integral part of society. On December 17, Jewish community members discovered a small swastika drawn on the Hebrew side of the 14-month-old Joint Tragedies Memorial.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

While the law provides for freedom of movement within the country, foreign travel, emigration and repatriation, there were some restrictions in practice. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Corruption and an inefficient bureaucracy continued to hinder citizens' efforts to register changes in their status, including changes in official places of residence. To leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased for approximately $3.00 (1,000 drams) for each year of validity. Visas may also be obtained later. There is an official 10-day waiting period for visas, but officials commonly agreed to expedite them in exchange for bribes up to about $29 (10,000 drams). Citizens who attempted to depart the country without visas were not permitted to leave.

The exit visa process was more difficult for citizens leaving the country permanently. The registration agency must deregister them, which entails sending queries to numerous other agencies to determine whether the citizen has any outstanding debts or obligations. The process commonly took several months to complete, and according to some citizens, authorities used the exit permit process to exact bribes which, by some accounts, totaled hundreds of dollars. Permission to depart the country permanently may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, or who have outstanding financial obligations. 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 bribes for exit stamps.

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

Internally Displaced Persons (IDPs)

The Norwegian Refugee Council (NRC) found in a study released in 2005 that 8,399 IDPs lived in Armenia. The NRC confirmed that the number has not changed significantly since that time.

During the country's war with Azerbaijan, the government evacuated approximately 65,000 households from the border region, but most returned to their homes or settled elsewhere. Of the remaining 8,399 IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory, and others chose not to return due to socioeconomic hardships or fear of land mines. The government afforded full rights as citizens to IDPs, but did not directly undertake programmatic efforts to help integrate them; however, international organizations supported their adjustment.

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 refugees. The government granted refugee status and asylum during the year. In practice the government generally provided protection against "refoulement," the return of persons to a country where there is reason to believe they fear persecution. The government also provided temporary protection during the year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

During the year, 266 persons applied for asylum and the government granted temporary asylum to 164 persons and refugee status to one person. Other cases were under review at year's end.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There was an established procedure for granting asylum which included the nonpenalization of illegal entry of an asylum seeker, and access to the territory for individuals seeking asylum. However, some delays and difficulties with refugee processing at airports and land borders arose due to frequent rotations of inexperienced border officials and little training on asylum procedures. International organizations asserted that Russian border guards usually came into first contact with would-be asylum seekers at the borders with Turkey and Iran, and in part at the main international airport in Yerevan, and often refused them entry without informing either the government or the UNHCR. The Russian guards, who operated on the basis of an agreement between the two countries, were gradually being phased out from the Yerevan airport during the year.

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, that right was restricted in practice due to repeated flaws in the conduct of elections.

Elections and Political Participation

The elections to the National Assembly were held May 12. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) election observation mission stated that the elections demonstrated improvement, and were conducted largely in accordance with international standards, though shortcomings remained. While the authorities acted to address a number of previous shortcomings, other issues were not sufficiently addressed, notably those related to the procedural regulation of the conduct of the elections campaign, and performance of election commissions during the vote count and tabulation.

In October government authorities launched large-scale tax and customs audits of businesses belonging to a leading Armenian businessman and independent member of parliament, Khachatur Sukiasian, and his family, after Sukiasian publicly voiced his support for the presidential candidacy of former president Levon Ter-Petrosyan in October. Two senior executives of Sukiasian-affiliated companies were arrested for alleged tax evasion and remained in custody at year's end in what was alleged to be a politically-motivated crackdown.

On November 15, three unidentified men attacked and severely beat Narek Galstyan, leader of the Sargis Tkhruni student-youth union of the opposition Social-Democrat Hnchakyan Party (SDHP). The attack came two days after police reportedly detained him and another member of the union for posting leaflets advertising an upcoming rally in support of presidential candidate and former president Levon Ter-Petrosyan. According to the SDHP, police mistreated Galstyan during his detention as retribution for supporting Ter-Petrosyan.

In advance of the presidential elections the opposition complained of massive harassment by the authorities. The supporters of presidential candidate Levon Ter-Petrosyan accused the police and the NSS of summoning hundreds of opposition supporters for questioning and subjecting them to psychological pressure, intimidation and threats. There were also reports of persons being fired from their jobs for their political views.

The final parliamentary election results were announced May 19 and were confirmed June 10 by the Constitutional Court, which rejected four complaints calling for annulment of the results. The court nevertheless noted a number of deficiencies in the conduct of the election campaign, specifically in the areas of campaigning and campaign and party financing, as well as the existence of conflicting legal provisions in the Election Code and other legislation. In the parliamentary election, the Republican Party of Armenia (RPA) won 33 percent of the votes casts, followed by Prosperous Armenia (15 percent), the Armenian Revolutionary Federation Dashnaktsutyun (ARF) (13 percent), Rule of Law (7 percent), and the Heritage Party (6 percent). The RPA and Prosperous Armenia joined to form a governing coalition which secured an absolute majority of parliament seats. The ARF negotiated a cooperation agreement with the governing coalition in exchange for ministerial positions, but declined to join the coalition formally, instead reserving the right to support its own candidate for the February 2008 presidential election.

Despite multiple changes made to the election code, most recently on November 20, shortcomings remained. Provisions on early and indirect campaigning were unclear, and regulations on campaign finance were weak. The complaints and appeals process was inconsistent and ineffective. Sanctions against vote-buying were not implemented, and the government generally did not act upon publicly identified concerns in the absence of formal complaints.

The ODIHR election observation mission directly observed one episode of provision of goods by a political party that met the legal definition of prohibited conduct during the election campaign. On May 9, authorities arrested a person working for a single-mandate candidate in the territorial electoral commission in Hrazdan for vote buying.

Approximately one-third of polling stations that ODIHR election observers monitored did not follow the proper procedures in filling in the final vote count documents. At some stations, for example, respective Territorial Elections Committees were completing, correcting, or entirely rewriting poll results, thereby increasing potential for tampering with sensitive election documents.

The ODIHR also heard allegations that some voters were under pressure to vote for certain parties or candidates, for fear of consequences such as job dismissal. A candidate and incumbent deputy from the Syunik region confirmed that workers at a large enterprise he owned were obliged to vote for him, but he characterized this as consistent with contemporary global corporate management styles.

Incidents of election-related violence occurred. On May 28, Larisa Paremuzyan, a local head of the People's Party of Armenia, survived an arson attack on her apartment in the northern town of Alaverdi in the Shirak Region. Paremuzyan blamed the attack on Karen Saribekian from the ruling RPA, who defeated her in the May 12 parliamentary elections in a single-mandate contest. Prior to the arson attack, Paremuzyan had alleged serious irregularities during the vote.

According to Transparency International (TI), the RPA and Prosperous Armenia parties, the two main victors of the May 12 parliamentary elections, spent considerably more on their election campaigns than is permitted by law.

Courts of first instance delivered verdicts on five criminal cases in which election precinct workers were found to have deliberately miscounted ballots or recorded fraudulent vote tallies during the parliamentary elections in May. The prosecutor general reported May 14 that a total of six criminal cases involving 15 defendants were transferred to the courts for trial: three persons were sentenced to imprisonment for one to two years; one person was fined $900 (300,000 drams); ten persons were given suspended sentences; and one case remained pending at year's end. Within these cases, all nine members of the precinct electoral commission (PEC) 15/16 of Getashen village were found guilty of falsifying election results and convicted by the first instance court of Armavir region. The court sentenced Commission Chairman Armen Eloyan to an 18-month prison term while suspending sentences for the other eight PEC members.

There was a widespread public perception, reflected in the press and the speeches of politicians, that a small elite of "oligarchs" exercised disproportionate influence on public affairs.

On June 22, a Yerevan court ordered prosecutors to investigate complaints filed by the Heritage Party in 2006 alleging harassment and improper eviction from its offices, and state authorities' illegal hacking of party computers. There were no results in the investigation at year's end.

There were 12 women serving in the 131-seat National Assembly, including one of two deputy speakers, one woman appointed to the government cabinet, and one female governor.

There were no members of ethnic minorities in the National Assembly or government cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption was widespread on all levels and in all sectors. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The public rarely protested practices such as routine bribe-paying, and appeared to be resigned to the prevalence of corruption.

Financial disclosure laws exist for public officials and their family members. However, according to a December 2006 report by the Anti-Corruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development, the declaration was a formality, and there were no mechanisms in place to verify the declared information. The declarations were not fully accessible to the public.

Government programs to curb corruption were largely inactive during the year. The governmental Monitoring Commission and Anticorruption Council, which oversaw implementation of the 2003-06 Anti-Corruption Strategy and Action Plan, met sporadically during the year, a violation of their own regulations. There was no official report that publicized the implementation of the Anticorruption Strategy Program and its action plan. On December 29, the anticorruption council approved a nine-month timetable for drawing up the new anticorruption strategy for 2008-2012.

TI's Armenian affiliate officially ended its participation in the Monitoring Commission on February 14, when the head of the commission verbally attacked TI for the results of the Corruption Perception Survey that it had published in January.

According to the government, during the first nine months of the year 47 public officials were charged and convicted in corruption cases.

The law provides for access to government information as well as for its dissemination, but in practice the government rarely provided access. By year's end the government had not yet adopted the legal regulations required by, and supplementary to, the 2003 Freedom of Information Law, on the aspects of collection and provision of information.

Citizens, especially in the regions, had little awareness of their right to information; however, according to the NGO Freedom of Information, the attitudes of officials towards provision of information had slightly improved over the past year. According to the NGO, the number of persons exercising their right to freedom of information increased, as did the number of applications to the court if this right was violated. About 70 percent of the court rulings resulted in verdicts which favored the applicants.

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 independent local religious and human rights organizations and local affiliates of international organizations operated in the country. They included the Armenian Helsinki Committee, the Civil Society Institute, the Helsinki Citizens' Assembly, Hope and Help, the International Committee of the Red Cross, Junior Achievement, Mission Armenia, the Open Society Institute, Transparency International and many more. Government authorities generally did not deny requests to meet with domestic NGO monitors. Authorities followed some NGO recommendations, particularly those related to social welfare, education, or those involving local matters.

On May 3, two public members of the police-sponsored Public Monitoring Group, which monitors police detention facilities, were ejected from the group by police after filing a report on their observations that was critical of the authorities.

During the year private NGOs did not report experiencing reprisals for criticizing the authorities.

The government generally cooperated with international NGOs. It permitted visits by international organizations to prisons, and in the case of the ICRC, to all detention centers in the country.

The current human rights defender is mandated to protect the human rights and fundamental freedoms violated by the state and local self-governing bodies or their officials. During the year the human rights defender's office received more than 1,100 written complaints from citizens. A total of 96 of these complaints were successfully resolved by the office, with 530 persons reportedly receiving redress for their grievances. Inquiries initiated by the human rights defender's office resulted in more than a dozen disciplinary sanctions against police during the year; however, the human rights defender said progress on most cases was slow. On March 30, the human rights defender's office released its 2006 annual report, which noted that the main source of citizen complaints were local courts, the Yerevan municipality, and the police. A 2005 Constitutional Court ruling prohibits the human rights defender from examining complaints against judicial organs and judges.

Following the May parliamentary elections, the newly elected parliament established a Standing Committee on Protection of Human Rights and Public Issues. To date, human rights NGOs have viewed the new committee with skepticism due to its unclear mandate and the lack of any apparent concrete activity undertaken to date.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; in practice, however, there was societal discrimination against women, ethnic and religious minorities, persons with disabilities, and homosexuals.

Women

Rape, including spousal rape, is a criminal offense and carries a maximum penalty of 15 years' imprisonment. During the year authorities registered seven cases of rape and attempted rape; however, societal stigma contributed to the underreporting of those crimes. Authorities launched criminal proceedings in all these cases, and by year's end convicted four individuals involved in cases of rape and attempted rape; other cases were in progress at year's end.

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. A survey conducted in May commissioned by the Women's Rights Center NGO showed that 66 percent of the respondents acknowledged that family members subjected them to psychological abuse, and 39 percent considered themselves victims of either moderate or severe physical abuse. Most cases of domestic violence were not reported to police because victims were afraid of physical harm, were apprehensive that police would return them to their husbands, or were embarrassed to make family problems public. Two NGOs in Yerevan and Gyumri provided shelter and assistance, including psychological and legal counseling, to battered women.

Prostitution and sex tourism are not illegal, but operating brothels is prohibited. Operating a brothel and engaging in other forms of pimping are punishable by one to 10 years' imprisonment. According to media reports, there were fewer than 5,000 sex workers operating in the country, with approximately 1,500 working in Yerevan. Police and other security forces reportedly tolerated prostitution.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Society generally did not consider cases of sexual harassment important enough to justify legal action. Although there were no official statistics, sexual harassment appeared to be widespread, according to observers.

Men and women enjoy equal legal status, although gender discrimination existed and was a continuing problem in the public and private sectors. According to a survey conducted in Yerevan in 2005, women earned on average 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-skilled jobs.

Children

The government was committed to protecting children's rights and welfare, but it did not allocate sufficient resources to fulfill this commitment.

Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability.

Education is free, universal, and compulsory through age 14. 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 grossly underfunded and in poor condition, though major renovation works were initiated with government and foreign funding. Access to education in rural areas remained difficult, and work in the fields during harvest season took precedence over school for many children. Lack of funding to provide heat prompted school officials in many areas to extend winter school breaks by as much as an additional month. Many teachers solicited bribes from parents in return for good or passing grades.

Attendance rates among children in the Yezidi ethnic minority continued to be lower than average, partially due to economic reasons, a lack of Yezidi teachers and books, and the early removal of teenage girls from schools for marriage. In 2006 the UN Children's Fund (UNICEF) supported the government's effort to publish textbooks for ethnic minorities, and in 2007 new Yezidi language textbooks appeared in some Yezidi schools around the country.

Free basic health care was available to boys and girls through age 18 but often was of poor quality, and officials often required overt or concealed payment for services.

According to UNICEF, sexual abuse of children was not believed to be a serious problem; however, the number of reported cases of physical and psychological abuse has increased, partly due to improved monitoring.

UNICEF reported that the number of children begging or working on the street appeared to be on the decline. Abuse of street children did not appear to be a serious problem.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however there were reports that persons were trafficked to and from the country. There was no credible data as to the real extent of the problem.

According to experts, the country was a source and transit point for women and girls trafficked primarily for sexual, and to a lesser extent, labor exploitation to the United Arab Emirates (UAE) and Turkey. There were also reports of men being trafficked to Russia for forced labor in the construction sector. There were reports of Armenian trafficking victims registered in western European countries. There were no reports of internal trafficking.

According to the general prosecutor's office, during the year at least 36 persons were victims of trafficking who were exploited in the UAE and Turkey. The general prosecutor's office also reported that 107 persons were victims of pimping during the year, including 77 exploited within the country and 30 exploited in the UAE and Turkey.

Traffickers, using developed networks in source and destination countries, typically recruited victims who were already engaged in local prostitution. The majority, but not all, of the identified victims were aware that they were being recruited to work in the sex industry in other countries; however, they were unaware of the traffickers' intent or the true exploitative circumstances of the conditions in the destination countries. 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. The initial consent by the victims unfortunately contributed to authorities' overall lack of identification of trafficking. In most cases, victims left the country with valid documents after which the traffickers provided them with forged documents in the transit states. There were reports that traffickers encouraged women to become recruiters, promising them that they could keep a percentage of their recruits' earnings. Those at particular risk for being trafficked were women engaged in prostitution, orphans who had outgrown their institutions, the homeless, and those in difficult financial situations. Trafficking victims who came largely from impoverished communities were at greatly increased risk of contracting sexually transmitted diseases, and there were some reported incidents of physical violence against persons who were trafficked.

In July 2006 the National Assembly adopted legislation that toughened trafficking penalties. The new law made trafficking in persons punishable by imprisonment for three to 15 years, depending on whether there were aggravating factors such as the death of victims or involvement of a minor.

During the year, 10 defendants were convicted under the trafficking statute, according to the prosecutor general's office. During the same period, courts convicted 19 defendants under the pimping statute. According to experts, an inconsistent application of the two statutes continued to be a problem during the year.

On August 3, a Yerevan court handed down the country's most stringent trafficking sentence to date: eight years' imprisonment for Gayane Melkonyan for two separate instances of trafficking of victims to the UAE and Turkey.

On September 3, authorities reported the conclusion of an investigation under the pimping statute that involved two Russian victims. The defendant, Armenian citizen Iren Mkrtchyan, and a Russian accomplice had recruited Russian women and were bringing them to Armenia for prostitution. Law enforcement bodies intercepted two of their potential trafficking victims at the Yerevan airport and referred them to local shelters, whose personnel identified them as trafficking victims.

A warrant for the arrest of Ashot Hovsepyan in connection with a 2005 trafficking case was outstanding at year's end; in 2006 the court sentenced the other defendant, local nightclub manager Sos Meliksetyan, to two years' correctional labor.

On December 6, the prime minister signed a decree establishing a new ministerial-level Council on Trafficking chaired by the deputy prime minister. The council has a broad mandate of implementing, coordinating and monitoring the government's antitrafficking efforts. The high-level council was created to replace the previously existing governmental interagency commission, which lacked the political weight to effect policy. The members of the earlier interagency commission became members of a working group designed to support the work of the new council.

The police, the NSS, and prosecutor's office were responsible for investigation and prosecution of trafficking. The government actively sought bilateral cooperation with several trafficking destination countries and regularly shared information with these partners.

In May the Foreign Ministry worked with a local NGO to secure the release of two Armenian victims of trafficking who were sentenced in Georgia for illegally crossing the Turkish-Georgian border.

After extensive discussions with foreign governments and NGOs involved in antitrafficking programs, the government approved its 2007-2009 National Plan of Action on Combatting Trafficking in Persons on December 6.

Trafficking victims reported that traffickers easily bribed Russian and Armenian border guards. Allegations of official complicity with traffickers continued to hurt the credibility of the government's antitrafficking efforts. Some observers asserted that agreements between corrupt court officials and traffickers were also common. Unlike in previous years, there were no reports that police and employees of the country's international airport assisted traffickers with transportation of victims to and through the country.

During the year a corruption case surfaced when a convicted trafficker Anush Zakharyants, who authorities had released temporarily from prison under a provision of Armenian law, allegedly obtained her expired passport from government officials and fled the country in February 2006. The government took limited measures to apprehend the fugitive; however, by year's end Zakharyants was still at large.

Upon their return to the country, many trafficking victims feared societal stigma and discrimination, and were reluctant to help locate and prosecute their traffickers. Government officials did not require victims to provide such assistance, but they worked with victims who were willing to do so. NGOs working with victims reported that

the judges' treatment of victims has improved over previous years.

Several NGOs--Hope and Help, the United Methodist Committee on Relief (UMCOR), and Democracy Today--operated assistance programs for trafficking victims with funding from foreign governments. During the year UMCOR and Hope and Help shelters assisted 26 victims. The government did not offer financial assistance but referred victims to these organizations. The NGOs maintained two hotlines for trafficking victims.

NGOs, international organizations, and the government conducted trafficking prevention activities, primarily in the form of educational and mass media programs to raise public awareness about the issue. International organizations trained the government's consular corps to identify signs of trafficking, and in June 2006, the government, with international assistance, published a manual with guidelines for interviewing and repatriating trafficking victims for use by Armenian consular officers abroad. The government cooperated with a local NGO in developing manuals for health and social workers that outlines assistance and referral procedures for trafficking victims.

Persons With Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

According to media reports, institutionalized patients often lacked medication, and received substandard care. Hospitals, residential care, and other facilities for persons with serious disabilities were also substandard.

On August 31, the Yerevan municipality began operating a new trolleybus designed for persons with disabilities.

In September 2006 the government allocated approximately $33,000 (12 million drams) for the printing of Braille textbooks for use by persons with visual impairments.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities, but the government provided insufficient resources to the ministry to permit fulfillment of this responsibility.

National/Racial/Ethnic Minorities

The Yezidi community, which numbers between 30,000 and 40,000 persons according to its leaders, speaks a dialect of Kurdish and practices the syncretic Yezidism religion that is derived from Christianity, Islam, and animism. As in previous years, Yezidi leaders did not complain that police and local authorities subjected their community to discrimination.

Other Societal Abuses and Discrimination

Persons who were openly gay were exempted from military service, purportedly because of concerns that they would be abused by fellow servicemen. However, the legal pretext for this exemption is predicated on a medical finding of gays possessing a mental disorder, which is stamped in their passports and can affect their future. Local observers noted that unlike in previous years, there were no reported cases of police harassment of homosexuals through blackmail, extortion, or violence. Nevertheless, societal attitudes and harassment towards homosexuality remained severe, and hampered homosexuals' access to medical care.

Many employers reportedly discriminated against potential employees by age, most commonly requiring that job applicants be between the ages of 18 and 30. After the age of 40, workers, particularly women, had little chance of finding jobs that were appropriate to their education or skills.

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, with the right to form and to join unions of their choice without previous authorization or excessive requirements; in practice, however, most workers did not exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions.

The Confederation of Labor Unions (CLU) estimated that, as of February, there were 407,809 members in 23 trade unions, which constitutes roughly 40 percent of the workforce. There were also other labor unions that did not belong to the CLU. Labor unions were generally inactive, with the exception of those connected with the mining industry. However, according to experts, some mining enterprises, including some financed by foreign capital, discouraged employees from joining labor unions with the implied threat of loss of employment.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference. Although the law provides for collective bargaining, in practice there was only one collective bargaining agreement reported during the year. Factory directors generally set pay scales without consulting employees. Regular or economic courts arbitrated labor disputes.

The law provides for the right to strike, except for members of the armed services and law enforcement agencies, but workers rarely went on strike due to the fear of losing their jobs. The law also prohibits retaliation against strikers, although it sometimes occurred.

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.

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 Armenian State Labor Inspectorate is responsible for child labor law compliance, but the inspectorate, community councils, unemployment offices, and, as a final board of appeal, the courts, enforced the law unevenly. 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 Employment Service Agency, some children were involved in family businesses (mainly agriculture), as well as in other activities not prohibited by law. Observers also reported seeing children in Yerevan selling flowers, drawings and working in local markets after school hours. During the year the Armenian Association

of Social Workers polled 1,066 families, finding 3.8 percent of children employed. The survey reportedly revealed that some of these children were employed in heavy manual work as laborers and loaders.

In 2005 the Employment Service Agency officially replaced the Ministry of Labor and Social Affairs as the government's chief enforcement agency for workers' rights (including children's), occupational health, and safety standards. In its third year, the inspectorate made little progress toward implementing an inspection regime or the requirements of the labor code.

e. Acceptable Conditions of Work

The government sets the minimum wage by decree. The monthly minimum wage of approximately $58 (20,000 drams), as fixed by the 2007 state budget, did not provide a decent standard of living for a worker and family. Many private sector employees were unable to get paid leave and were required to work far more than eight hours a day. According to representatives of some employment agencies, many employers also hired an employee for a "probationary" period of 10-30 days during which the employee was not paid. Often these employees are subsequently fired, but, because their initial employment was illegal, they are unable to claim payment for the time they worked. Evidence also suggested that some private sector employers underreported the size of their staff in an effort to avoid paying taxes.

The law sets the workweek at 40 hours and provides for mandatory vacation of 28 calendar days annually, as well as overtime compensation; however, these standards were not effectively enforced. In the mining sector, employers allow limited sick leave with the presentation of a medical certificate. There were reports that employers fired employees who took extended sick leave.

Workers had the legal right to remove themselves from work situations that endangered health and safety, but they were unlikely to do so because such an action would place their employment at risk. The law requires the government to set occupational and health standards, but by year's end the government had yet to do so.

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