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Armenia Country Report on Human Rights Practices for 1997

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ARMENIA

Armenia has a constitutional government in which the President has extensive powers of appointment and decree, and the role of the legislature relative to the executive branch is severely circumscribed. The President appoints the Prime Minister, who is in charge of the Cabinet. President Levon Ter-Petrossian was reelected in a controversial multicandidate election in September 1996, which was flawed by numerous irregularities and serious breaches of the election law. A transitional National Assembly in which ruling Armenian National Movement (ANM) members and their allies won about 88 percent of the seats was elected in July 1995; local and international observers characterized these elections as "generally free but not fair." To protest the presidential elections, a number of opposition parties continue to boycott parliamentary sessions. Both the Government and the legislature can propose legislation. The legislature approves new laws and can remove the prime minister by a vote of no confidence. Elections

for a new National Assembly are scheduled for 1999. The Constitution provides for an independent judiciary; however, in practice judges are subject to political pressure from the executive branch.

The Ministry of Internal Affairs and National Security is responsible for domestic security, intelligence activities, border control, and the national police force. Oversight of the security services improved after the merger of the Interior Ministry with the National Security Ministry, but members of the security forces committed serious human rights abuses.

The transition from a centralized, controlled economy to a market economy continues to move forward. Industrial output remains low, leaving over 50 percent of the population unemployed or underemployed, with a high degree of income inequality. Most small and medium enterprises have been privatized, as has most agricultural land. About one-third of permanent land titles had been issued by the end of the year. Gains in the privatized trade, service, and agriculture sectors generated an approximately 3 percent increase in gross domestic product (GDP) in 1997, to about \$550 per capita. However, inflation rose to about 21.9 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy.

The Constitution provides for broad human rights protections, but human rights problems persist in several important areas. The Government's manipulation of the 1996 presidential election continued to restrict citizens' ability to change their government. Members of the security forces made arbitrary arrests and detentions without warrants, beat detainees during arrest and interrogation, and did not respect constitutional guarantees regarding privacy and due process. At least two cases of police abuse resulting in death occurred; adequate institutional mechanisms do not exist to protect individuals from police abuse. Prison conditions remained poor. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. Opposition groups charged that defendants in three major criminal cases were political prisoners.

g. A semiofficial list of forbidden subjects encourages some media self-censorship. However, the non-governmental media often criticize the country's leadership and policies. Local independent television and newspapers, along with private radio stations, continued to multiply. The Government maintains some limits on freedom of association. A previously suspended prominent political party, the Armenian Revolutionary Federation (ARF/Dashnaks), was not reinstated, although the authorities tolerated its activities, restored its offices, and permitted publication of a Dashnak newspaper. The legislature called into question its commitment to constitutional provisions for freedom of religion, by amending the law on freedom of conscience to further strengthen the role of the Armenian Apostolic Church and create new barriers to other denominations. The Government places some restrictions on freedom of movement. Discrimination against women, minorities, and the disabled remained a problem.

RESPECT FOR HUMAN RIGHTS

a. Political and Other Extrajudicial Killing

b. Disappearance

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

The Government has not conducted investigations of abuse by security services except in rare cases where death has resulted. A death in police custody, in Gyumri in August, alleged by police to be a suicide, prompted intensified press and human rights group criticism of mistreatment of detainees. Photographic evidence showed that the detainee had been seriously beaten. In September four police officers were arrested for abuse of authority in connection with that death. In November the Prosecutor held a press confer-

ce to publicize the ongoing investigation, but the trial had not begun by year's end. Investigation of a second death in custody in April at Yerevan's Khorhrdayin police station was closed without prosecution. Charges against five police officers for a 1993 death, a case repeatedly remanded for investigation by the Supreme Court, will once again be taken up in 1998, according to the Prosecutor General.

The press also reported on a number of deaths of military servicemen, officially reported as accidents or suicide, where forensic evidence obtained by the families suggested mistreatment or possible murder. The Ministry of Defense responded that these human rights group charges were baseless. The military does not provide information on peacetime deaths of servicemen, but a human rights group alleged that as many as one soldier a day died in 1997 of noncombat causes.

In July members of a local "Yerkrapah" group (an armed veteran's militia that is part of the Defense Ministry implicated in 1995 and 1996 human rights violations) broke into a human rights library in Vanadzor and removed the contents (see Section 1.f.).

Prison conditions are poor. Facilities are often overcrowded, and food is inadequate to preserve health unless supplemented by families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common with eight deaths from tuberculosis officially reported in the first half of the year. The Government's judicial reform package under debate in the legislature at year's end included a provision to transfer responsibility for prisons to the Ministry of Justice from the Ministry of Internal and National Security Affairs in 1998, with a goal of improved oversight.

The International Committee of the Red Cross (ICRC) enjoyed unimpeded access to detention facilities run by the Ministry of Interior and National Security, a significant improvement over 1996. The ICRC continued to visit all the prisoners involved in the "Dro," "31," and "September 25" trials (see Section 1.e.).

d.

Arbitrary Arrest, Detention, or Exile

Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext of being a material witness. Those arrested are frequently brought to prison without notification of family members. It is often several days before family members obtain information as to whether someone has been arrested and their location. Access of lawyers and family members to prisoners is often restricted until the preliminary investigation phase is complete, a process that can last weeks.

There was no repetition in 1997 of the massive violations of constitutional safeguards which followed the September 1996 elections. At that time, many opposition politicians or activists were detained and seriously beaten. Most were released in the following weeks. Of 16 individuals held into 1997 for "participation in mass disorder," several were administratively released. No charges are pending against those released. Another 11 were tried, convicted, and released with suspended sentences during the course of the year.

The transitional provisions of the Constitution provide that the Soviet-era procedures for searches and arrests are to be maintained until the Soviet-era Criminal Code and Criminal Procedure Code are redrafted and brought into line with the Constitution in 1998. A suspect may be jailed for no more than 12 months pending trial, after which the suspect must be released or tried. This latter provision, however, is not always enforced. There is no provision for bail although detainees may sign a document and remain at liberty under their own recognizance pending trial. For example two political figures who emerged from hiding in September to face charges stemming from the election protests were released by the prosecutor after signing such documents.

The ICRC reported that civilian and military personnel on all sides of the Nagorno Karabakh dispute conflict occasionally engage in cross-border hostage taking, usually to win release of a friend or relative held on the

other side, but sometimes for financial gain. The ICRC successfully assured a number of prisoner exchanges but has no access to undeclared hostages.

There were no reports of forced exile.

e.

Denial of Fair Public Trial

Although the Constitution nominally provides for an independent judiciary, its provisions do not appear designed to insulate the courts from political pressure. Other legal and constitutional provisions make judges dependent on the executive branch for their employment. In practice courts are subject to political pressure and corruption. The inherited Soviet system views the court largely as a rubber stamp for the prosecutor and not a defender of citizens' rights. Prosecutors still greatly overshadow defense lawyers and judges during trials. The constitutionally mandated presumption of innocence is ineffective, and acquittals are very rare once a case comes to trial. Under the Constitution, the Justice Council, headed by the President, the Prosecutor General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges.

This authority gives the President dominant influence in appointing and dismissing judges at all levels. Judges are subject to review by the President through the Council of Justice after 3 years. Thereupon, their tenure is permanent until they reach the age of 65.

The judicial system continued its transition and restructuring is due to be completed in 1998. The revised civil and criminal codes under preparation are designed to clarify contradictory provisions of the law and create a more unitary, modern, and workable legal system. However, prosecutors are expected to continue to have more influence than judges. There are calls from within the judiciary to strengthen judicial review and to give the courts more authority in safeguarding human rights. In addition to the proposed reforms, increased judicial independence and a balance among the executive, legislative, and judicial branches are critical to the success of judicial reform.

According to the transitional provisions of the Constitution, the existing courts are to retain their powers until the new judicial system is established. District courts try most cases, with a right of appeal to regional courts and then the Supreme Court. In 1998 the Supreme Court and regional courts are to be replaced by review courts and a court of appeals as required by the Constitution. As part of the package of judicial reform legislation mandated by the Constitution, both judges and prosecutors will be subject to retraining and recertification by examination in April or May 1998 in order to retain their positions.

The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only those cases proposed by the President, one-third of all National Assembly deputies, or election-related cases brought by candidates for parliament or the presidency. Unless the Constitution is amended, the Constitutional Court is not an effective guarantor of constitutional human rights safeguards.

The military tribunal operates essentially as it did in the Soviet era. Military prosecutors perform the same functions as their civilian counterparts, operating in accordance with the Soviet-era legal code.

Trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any defendant who needs one. Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. Defendants and prosecutors have the right of appeal.

Three major criminal trials involving political parties or personalities continued into 1997. Opposition parties and some human rights groups charge that some of the defendants are political prisoners. The law lacks an adequate test (e.g., "clear and present danger") for defining the difference between protected free speech and illegal calls to overthrow the Government by violent means. Without the safeguard of a strong, independent judiciary, allegations that the Government exploited these trials for political purposes cannot be refuted.

Final appeals in the long-running "Dro" trial of a group of 11 persons accused of terrorist activities concluded in June 1997. The Government cited such accusations when it banned the ARF/Dashnak party in 1994. In December 1996, the judge pronounced the defendants guilty of premeditated murder, banditry, arms violations, or concealing a crime. Although these crimes were committed, with evidence for the guilt of most of the accused, the trial was marred by procedural irregularities, allegations of torture, recanted testimony, and accusations of deliberate delay by the authorities. The appeals judges commuted one of the three death sentences. There have been no executions since independence when the President announced a moratorium. The Government has made a political commitment to the Council of Europe to abolish the death penalty.

The "Trial of 31," involving a group of 31 alleged coup plotters, including Vahan Hovannisyan, a senior ARF member, opened in March 1996. Closing arguments were completed in October and all but two of the defendants were found guilty of various charges in December. Hovannisyan was sentenced to 4 years' imprisonment (including time in pretrial detention), with sentences of 3 to 7 years for 14 others. One defendant was sentenced to death for the murder of two policemen. Eleven defendants were released for time served or with suspended sentences. Appeals are reportedly planned. Most defendants in the case charged that they were denied timely access to legal counsel. They subsequently complained that they had been tortured and pressured into giving false testimony. The Court denied defense motions to investigate these allegations. Credible evidence linked some of the 31 to the deaths of 2 policemen and other serious violations of the criminal code. The prosecutor dropped treason and other charges against

Hovannisyan, accusing him instead of "inciting armed insurrection" in his meetings with an extremist group. No evidence was presented linking him to acts of violence.

The trials of 11 persons accused of involvement in the postelection protests at the parliament building on September 25, 1996 that turned violent were completed in July. After lengthy detention, the defendants were convicted on minor charges, given suspended sentences, and released. One person, arrested in October, remained in pretrial detention for the same events, and two others, in hiding for a year, presented themselves to the Prosecutor in October and were released on their own recognizance, pending completion of the investigation. Security forces badly beat many of the defendants at the time of arrest or afterwards.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence*

The Constitution prohibits unauthorized searches and preserves citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages. Procedurally, the security ministries must petition the prosecutor's office for permission to wiretap a telephone or intercept correspondence. The prosecutor's office purportedly must find a compelling need for the wiretap before granting the agency permission to proceed. No evidence of illegal wiretapping came to public attention during the year.

The law requires security forces to obtain a search warrant from a prosecutor before conducting a search; in practice, searches continue to be made without a warrant. New legislation passed in December improved secrecy of bank deposits, requiring a court order for account information to be released to tax or law enforcement authorities. The offices of the National Self-Determination Union, a political party, were ransacked by police in September 1996. When the Interior Ministry was merged with National Security, the new mini-

ster promised to provide compensation. During 1997 some \$10,000 (5 million dram) was paid, about one-third of the total damages claimed.

In Vanadzor in July, members of a local "Yerkrapah" group (an armed veteran's militia that is part of the Defense Ministry implicated in 1995 and 1996 human rights violations) broke into a human rights library and removed the contents. This library was housed in two rooms in a children's library granted by the mayor of Vanadzor to the Constitutional and Human Rights Protective Center. Although the dispute was primarily over control of the space rather than the activities of the center, and the center was subsequently promised new quarters elsewhere, the incident underscored the freedom of these local militias to act outside the law—in this case against a human rights organization. No action was taken against the persons responsible. The mayor of Vanadzor offered the Center a new site, but the necessary permissions to make the transfer had not been granted at year's end.

There continued to be violations of the right to privacy during army conscription drives. Armed forces recruiters periodically engage in sweep operations for draft-age men, and have taken hostages to compel the surrender of draft-evading or deserting relatives. There are credible reports of improper conscription of refugees from Nagorno-Karabakh and Azerbaijan, and of punitive conscription of males who have offended local officials.

Section 2 Respect for Civil Liberties, Including:

a.

Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, while the Government generally respects freedom of speech, it continues to place some significant restrictions on freedom of the press. Publications present a variety of views, and the opposition press regularly criticizes government policies and leaders, including the President, including on sensitive issues such as the Nagorno Karabakh peace process. However, the range of subjects considered sensitive for national security is relatively large. Although there is no official censorship, the Government circulates an informal list of "forbidden subjects" and journalists practice some self-censorship to avoid problems with authorities. Because of past episodes of retribution by powerful ministers or businessmen, including beatings, detention and financial pressure, journalists are cautious in reporting on major corruption or national security issues.

Newspapers operate with extremely limited resources, and few are completely independent of patronage from economic or political interest groups or individuals. Total newspaper circulation is small, about one copy per hundred persons. State-owned companies have a monopoly on newspaper printing and distribution facilities, and most newspapers are permanently in debt to the printers. The State retains, through its ownership of the printing and distribution network, the potential to shut or otherwise pressure newspapers that take too strident an opposition position. The Government disbanded the Ministry of Information at the end of 1996, a move widely welcomed by the nongovernment media; however, the Government then partly recreated the ministry as a department of the Prime Minister's office in early 1997. In December a new board of directors was created for the state television, news agency, and press distribution company, made up of three representatives each from the President's office, the Government, and

Parliament. The declared aim of the board is to supervise these agencies' transformation into commercial enterprises, albeit with the State retaining controlling interest in the near term.

In June three employees of Noyan Tapan news agency were summoned to the Ministry of Interior and National Security and pressured unsuccessfully over several hours to reveal the source of information for an article containing details of confidential negotiating documents regarding Nagorno Karabakh. The editor of Yerevanyan Orer was seriously beaten by unidentified attackers in March after refusing to delete a newspaper article from the computer. ARF-affiliated media, which the Government shut down in 1994, remained

closed, but a new ARF-linked newspaper began publication and another newspaper, published abroad, resumed public sale.

The two most widely visible television channels belong to state television, and tend to present a positive view of officials and their activities. However, television coverage of opposition protests of the Government's Karabakh policy from October through December demonstrated some tendency toward greater balance. Most radio stations are now private. The opening of more nongovernmental television and radio outlets has encouraged greater freedom of expression and somewhat broader news coverage. There are now 6 independent radio stations and 8 independent television stations operating in Yerevan, and 1 independent radio and 13 independent television stations in the regions. Opposition parties and politicians received adequate news coverage and access on these channels. Legislation has not yet been passed to regulate the current arbitrary and nontransparent process of license issuance, although at year's end a draft broadcasting law on this subject was circulating in the legislature.

The few international newspapers and magazines imported are not censored. Middle and upper class citizens have access to international satellite and cable television from abroad. Internet and electronic mail have substantially increased the amount of foreign and domestic information available.

The Government partially respects academic freedom. Over 50 private institutions of higher education have been established since independence in 1991. The Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. A series of peaceful demonstrations took place in 1997, organized by opposition groups to protest the 1996 elections and, in the fall, the Government's Karabakh policy. On one occasion in December, Yerevan municipal authorities refused to grant permission for organizers of a demonstration to march to the Foreign Ministry. The march took place, nonetheless, and the organizers theoretically were subject to a small fine, which had not been levied at year's end.

The Constitution provides for freedom of association, and the Government generally respects this right in practice with some important exceptions. There are registration requirements for all parties, associations, and organizations. The process of registering an organization is time consuming, and some human rights or political organizations have been compelled by the Government to revise their bylaws several times in order to have their registration accepted. No political parties were refused initial registration in 1997. The ARF party, suspended since 1994, has had an application for reinstatement pending with the Ministry of Justice since 1996; the law requires a written answer within 30 days of filing, but by year's end the Ministry had not provided a response. Although the party is still officially suspended, officials did not interfere with its activities.

In October the ARF offices were restored to the party. The authorities charge that the ARF is not really a domestic political party but rather the arm of a foreign-dominated international political organization (the ARF International Bureau), and thus does not conform to the law on public political organizations requiring Armenia-based leadership. The party reconstituted its ruling bodies in 1996 and created indigenous local structures, which, ARF claimed, distinguish it from the international organization and meet the law's criteria. Many observers charge that continuation of the ban is political, designed to keep the ARF from competing in politics.

c.

Freedom of Religion

The Constitution provides for freedom of religion; however, in practice the law imposed growing restrictions on religious freedom, in particular on the religious freedom of adherents of faiths other than the Armenian Apostolic Church (the Armenian Orthodox Church).

The 1991 law on freedom of conscience establishes the separation of church and state, but grants the Armenian Apostolic Church special status. The law forbids "proselytizing" (undefined in the law) except by the Apostolic Church, and requires all religious denominations and organizations to register with the state Council on Religious Affairs. Petitioning organizations must "be free from materialism and of a purely spiritual nature," and must subscribe to a doctrine based on "historically recognized holy scriptures."

A presidential decree issued in 1993 supplemented the 1991 law and strengthened the position of the Armenian Apostolic Church. The decree enjoins the Council on Religious Affairs to investigate the activities of the representatives of registered religious organizations and to ban missionaries who engage in activities contrary to their status. No action was taken against missionaries in 1997.

In June Parliament passed legislation amending the religion law. The legislation tightened registration requirements for other denominations by raising from 50 to 200 adult members the minimum number required for registration. It also tightened funding restrictions so that foreign-based churches may not be supported by funds from their headquarters outside Armenia (a provision that seriously affects the activities of several substantial denominations). The legislation also mandated that religious organizations except the Apostolic Church need prior permission from the state Council on Religious Affairs to engage in religious activities in public places, travel abroad, or to invite foreign guests to Armenia. The President, however, returned the law to Parliament with a recommendation that these objectionable aspects be deleted. In September Parliament voted to drop most of the items that the President recommended for deletion. However, Parliament confirmed the increase in the membership requirement and th

e ban on outside funding. All "foreign" (i.e. non-Apostolic) denominations are now required to reregister within 6 months of the law's entry into force. The President signed the law in September. So far religious groups have reported no adverse consequences from the new law.

Fifteen religious denominations and an assortment of smaller religious associations were registered in 1997 under the old law, including Catholics, Protestants, Russian Orthodox, Mormons, and others. According to the law, a religious organization refused registration cannot publish a newspaper or magazine, rent a meeting place, have its own program on television or radio, or officially sponsor the visas of visitors. The Council on Religious Affairs continued to deny registration to Jehovah's Witnesses on the grounds that the group does not permit military service. As of September, 14 Jehovah's Witnesses were in prison, including 4 who had already served 1- to 3-year sentences for refusing military service and upon release were retried and convicted by a military tribunal for desertion, even though they had never entered the military. Seven Jehovah's Witnesses were in pretrial detention, and seven others were reportedly in hiding to escape prosecution for refusing military service. A large quantity of Jeho

vah's Witnesses literature was seized in April, on the grounds that it could not be imported legally in the absence of registration.

Despite a government pledge to apprehend those, allegedly "Yerkrapah" members, who staged a series of destructive attacks against a dozen religious groups in 1995, the authorities took no steps in 1997 to bring the perpetrators to justice (see Section 5).

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

The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the Government places restrictions on some of these rights. According to informed estimates, up to one-third of the population has temporarily or permanently emigrated during the last 7 years. Travel passports may be denied to persons possessing state secrets, to those subject to military service, and to those whose relatives have made financial claims against them. The Office of Visas and Registrations (OVIR) has eased travel and emigration procedures by discontinuing the requirement for exit visas; however, men of military age need to overcome substantial bureaucratic obstacles to international travel. The Government does not restrict internal movement, and citizens have the right to change freely their residence or work place; however, they must negotiate with a corrupt and inefficient bureaucracy to register these changes.

Once the Nagorno Karabakh conflict erupted between Armenia and Azerbaijan in 1988, ethnic minorities on both sides were subject to discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all of the ethnic Azeris living in Armenia at the time, some 185,000 persons, fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled to and were granted refugee status in Armenia. The majority of the rest took refuge in Russia, with small numbers remaining in Azerbaijan.

Armenia is a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The National Assembly passed a law on citizenship in 1996 which provides for refugees of Armenian ethnicity to gain citizenship, provided they are stateless and have resided in the country for the past 3 years. Implementing regulations for the law and naturalization procedures have not yet been completed, and few refugees, even those who have resettled permanently, have gained citizenship.

The Government cooperates with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting ethnic Armenian refugees.

Armenia respects the right of first asylum in principle, but has no practical mechanism to provide it, and border officials have no training in asylum issues. In the absence of a law specifying procedures for formal recognition of political asylum, asylum seekers not of Armenian ethnicity have no legal status. In some cases, those denied permission for legal residence are subject to fines for illegal residence when they attempt to depart the country. There were no reports of forced return of persons to a country where they feared persecution.

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

The Government's manipulation of the 1996 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Serious breaches of the election law and numerous irregularities in the 1995 and 1996 elections resulted in a lack of public confidence in the integrity of the overall election process.

In the 1996 presidential elections, incumbent President Ter-Petrosian was declared the victor. His leading challenger, Vazgen Manukyan claimed fraud and filed an appeal with the Constitutional Court. The Court upheld the official election result, but many questions were raised regarding the Court's procedures in the case and the Central Election Commission's refusal to release detailed voting results from all precincts. An OSCE election observer mission noted "irregularities," "discrepancies," and "very serious breaches of the election law" which caused "concern for the overall integrity of the election process." Nevertheless, observers concluded that although the presidential election was flawed, the conduct of the campaign was an improvement over the 1995 parliamentary elections.

In anticipation of the 1999 parliamentary elections, Parliament took up the question of a universal electoral code. In the spring, a draft was prepared by the State and Legal Affairs Committee of the National Assembly, with the cooperation of opposition parties, nongovernmental organizations, and international experts. In September a competing draft was prepared by a working group of the National Assembly under the auspices of the majority ANM faction, without such input. The new chairman of the State and Legal Affairs Committee held a series of meetings and conferences with political party representatives, local nongovernmental organizations, and international experts in an attempt to create a compromise draft that would, he stated, be consistent with international standards. This draft was not complete at year's end. It was clear that serious differences remained between the ruling ANM and opposition parties on a number of issues, particularly on how to constitute balanced and effective electoral commissions.

Yerevan mayor Vano Siradeghian won election to the Parliament in a closely watched by-election in Hrazdan in October. Domestic observers, who were given full access to the electoral process, reported that the voting and counting were free of major irregularities. Their report highlighted gaps in the current electoral law on registration and voting of military personnel and on uniformed police presence at polling stations. They also noted that authorities did not enforce a ban on campaigning outside polling stations.

In November Siradeghian, in his capacity as recently-elected ANM chairman, stated that the ANM would not accept an electoral law that condemned them to electoral defeat. Siradeghian was Interior Minister during the Government's brutal crackdown after the flawed 1996 presidential election and demonstration that turned violent. He retains his position as mayor while serving in the Parliament.

Under the Constitution, the President appoints the Prime Minister and has considerable influence in appointing judges. The Constitution provides for independent legislative and judicial branches, but in practice these branches are not insulated from political pressure from the executive branch.

The Government appoints the 10 regional governors (marzpets). The Constitution gives local communities the right to elect local authorities. However, local elected officials have limited powers, and are overshadowed in practice by powerful presidentially appointed governors, who can remove them from office.

The National Assembly continues to operate as a part-time institution for the duration of its first term. Regular sessions are held twice a year: the first from mid-September to mid-December and the second from early February until mid-June. Approximately one-third of the parliamentarians have been designated full-time deputies. Special sessions may be called, but may not last more than 6 days.

There are no legal restrictions on the participation of women and minorities in government and politics. However, due to traditional social attitudes, both are underrepresented in all branches of government. There is one woman in the Cabinet (Minister of Social Welfare). Only 11 of the 190 deputies in the Parliament are women. There are no members of minorities in the Cabinet or in the Parliament.

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

There are several nongovernmental human rights organizations that are active and operate openly, criticizing publicly and publishing their findings on government human rights violations. The Government has permitted monitoring of human rights by the Council of Europe and the ICRC, which had full access to civilian detention facilities in 1997, including detainees in politically sensitive trials.

The Government accepted an OSCE election observer mission for the 1996 presidential elections and provided international observers with countrywide access; however, local observer organizations, which had observed the 1995 parliamentary elections, were not allowed to observe the presidential election.

The new Prosecutor General created a special office in July to communicate with international organizations, and pledged to provide more detailed human rights information than was publicly available earlier.

Although the Prosecutor's office did provide responses on specific cases, this information remained relatively incomplete and general, as are most government statistics.

A human rights group that publicly criticized peacetime deaths in the military was accused by the Defense Ministry in a public statement of colluding with an enemy country.

In July members of a Yerkrpah group in Vanadzor broke into the library of the Constitutional and Human Rights Protective Center (see Section 1.f.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Discrimination based on race, sex, religion, disability, language, or social status is prohibited by the Constitution. Cultural and economic factors, however, prevent women, ethnic and religious minorities, and persons with disabilities from participating fully in public life.

Women

The law (the old Soviet code) cites specific punishments for rape, forced abortion, forbidding a woman from marrying, and discrimination in hiring due to pregnancy. There is no specific law banning violence against women. Few cases of rape, spouse abuse, or other violence against women were reported in this conservative, patriarchal society, however, their number is likely higher than the statistics indicate. In 1997 the Prosecutor's Office registered approximately 28 cases of rape.

In the workplace, women receive equal pay for equal work, but are generally not afforded the same professional opportunities given to men and are often relegated to more menial or low-skill jobs. The 1992 Law on Employment prohibits discrimination in employment, but the extremely high unemployment rate makes it difficult to gauge how effectively the law has been implemented to prevent discrimination. According to a women's group, women make up 73 percent of those officially registered as unemployed.

Currently there are more women receiving university and postgraduate education than men.

Children

The Government does not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 16, but facilities are poor and teachers are forced to tutor pupils privately to survive. Free children's health care is available, but of poor quality, with an increasing trend toward overt or concealed payment of fees for service. The Government focuses its efforts on children's rights and welfare with measures to insulate large families—four or more children—from the effects of the country's current difficult circumstances. The Government similarly targets foreign humanitarian aid programs at large families. A program led by the President's wife has helped to address the growing problem of street children. The family tradition is strong, and child abuse does not appear to be a serious problem.

Girls and boys receive equal educational opportunities.

People with Disabilities

The Constitution provides for right to social security in the event of disability. The 1993 Law on Invalids provides for the social, political, and individual rights of the disabled but does not mandate the provision of accessibility for the disabled. In its current economic circumstances, the Government has difficulty fulfilling its commitments in this area. The Government's enforcement of the rights of the disabled remains rudimentary. There is societal discrimination against the disabled. Hospitals, residential care, and other facilities for the seriously disabled do not meet international norms.

Religious Minorities

There was no reported violence against minority religious groups. However, newer religious organizations, especially of an evangelical nature, are treated with suspicion. Such groups are accused of proselytism, including using material inducements or offers of emigration to entice converts. A relatively high percentage of members of some of these religious groups joined the wave of emigration from Armenia, for social, economic, and philosophical reasons. Despite the Government's pledge to apprehend those allegedly "Yerkrapah" members who staged a series of destructive attacks against a dozen religious groups in 1995, the authorities took no steps in 1997 to bring the perpetrators to justice.

National/Racial/Ethnic Minorities

The Government does not discriminate against the small, officially recognized, "national" communities, though their economic and social situation has deteriorated substantially since Armenian independence. Groups which the Government include in this category are Russians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. Following the protracted Nagorno-Karabakh conflict (see Section 2.d.), there is no significant Azeri minority. The several hundred Azeris or persons of mixed Azeri heritage still living in Armenia maintain a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the 1992 law on language provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government has devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has been greatly reduced in recent years. In practice, virtually all students, including members of the Yezidi and Greek communities, now attend Armenian-language schools with very limited classes in their mother tongue. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination from ethnic Armenian schoolmates and teachers.

Yezidi leaders complained in a July letter to the President that their community (which speaks a Kurdish dialect and practices a traditional non-Christian, non-Muslim religion) is subject to discrimination by police and local authorities. They cited numerous incidents of unfair adjudication of land, water and grazing disputes, nonreceipt of privatized agricultural land, and lack of police response to even serious crimes committed against Yezidis. They alleged unfair adjudication of land and water disputes. The letter also complained of unequal treatment by the military, and listed nine Yezidi conscripts who allegedly died since 1996 during peacetime military service. The Armenian authorities made no effective response to these serious complaints, although the letter received coverage from human rights journalists in the independent press.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides employees with the right to form and join trade unions and the right to strike. The Constitution stipulates that the right to form associations—including political parties and trade unions—may be limited with respect to persons serving in the armed services and law enforcement agencies. A 1993 presidential decree prohibits the Government and other employers from retaliating against strikers and labor leaders, but workers have no confidence in this guarantee. In practice labor organization remains weak due to high unemployment and the poor economy. Workers have neither financial resources to maintain a strike nor enforceable legal protection against retaliation, and the existing unions play a relatively passive role. There has not, however, been any retaliation against strikers or labor leaders. Creation of a new, purportedly independent labor federation was reported in December, involving members of the journalists union and a few other relatively stronger labor organizations.

Unions are free to affiliate with international organizations.

b. **The Right to Organize and Bargain Collectively**

Collective bargaining is not practiced. The Constitution provides all citizens with the right to a just wage no lower than the minimum set by the Government. Although the 1992 Law on Employment provides for the right to organize and bargain collectively, voluntary and direct negotiations do not take place between unions and employers without the participation of the Government because most large employers remain under state control. The near collapse of major industrial production has undercut the organization of labor unions.

The Government encourages profitable factories to establish their own pay scales. Factory directorates generally set the pay scales, without consultation with employees. Wage and other labor disputes are adjudicated through the Arbitration Court.

There are no export processing zones.

c. **Prohibition of Forced or Compulsory Labor**

The Constitution and the 1992 Law on Employment prohibit forced and bonded labor, including by children, and it is not known to occur. This provision is enforced by the local councils of deputies, unemployment offices, and, as a final board of appeal, the Arbitration Commission.

d. **Status of Child Labor Practices and Minimum Age for Employment**

Forced or bonded labor by children is prohibited, and is not known to occur (see Section 6.c.). According to the 1992 Law on Employment, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The Law on Employment is enforced by the local councils of deputies, unemployment offices, and, as a final board of appeal, the Arbitration Commission.

e. **Acceptable Conditions of Work**

The Government sets the minimum wage by decree. In September the national minimum wage was \$2 (1000 drams) per month, a purely theoretical figure given that 10 times the minimum wage is insufficient to support an individual.

The majority of the population lives below the officially recognized poverty level as a result of the economic dislocations caused by the breakup of the Soviet union, the 1988 earthquake, the conflict in Nagorno-Karabakh, and the resulting blockade and disruptions in trade. The majority of enterprises are either idle or operating at a fraction of their capacity. Some furloughed workers are still receiving minimal partial compensation from their enterprises, but most are no longer receiving any payment if they are not working. The standard legal workweek is 41 hours; many people work multiple jobs.

The Constitution provides citizens with the right to clean and safe work places, but Soviet-era occupational and safety standards remain in force. Labor legislation from 1988 places responsibility on the employer and the management of each firm to ensure "healthy and normal" labor conditions for employees, but it provides no definition of healthy and normal. The employment situation is such that workers are unlikely to attempt to remove themselves from hazardous working conditions due to the risk of losing their jobs.

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