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Armenia

Country Reports on Human Rights Practices - 2001
 Released by the Bureau of Democracy, Human Rights, and Labor
 March 4, 2002


Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrossian was forced to resign by his former political allies in the Government and Parliament. There were flaws and substantial irregularities in both rounds of the 1998 presidential elections. Although marred by irregularities, the May 1999 parliamentary elections and several 2000 by-elections, showed continued improvement over past elections and Organization for Security and Cooperation in Europe (OSCE) observers categorized the former as a relevant step toward compliance with OSCE commitments, but stated that they still failed to meet international standards. The majority in Parliament is made up of a coalition called Unity, which includes the two parties which gained the most votes in the May 1999 Parliamentary elections: The Republican Party and the Peoples' Party; however, due to political differences between the Republican Party and the People's Party, the Unity coalition during the year largely ceased to function. The legislature approves new laws, confirms the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legislation. The Constitution provides for an independent judiciary; however, in practice, judges are subject to pressure from the executive branch and some are corrupt.

The Ministries of Internal Affairs and of National Security, jointly are responsible for domestic security, intelligence activities, border controls, and the national police force. Members of the security forces committed human rights abuses.

According to unofficial statistics the country has a total population of approximately 2 million persons (official estimates dating back 10 years were 3.4 million). The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector did not function at peak capacity and its output remained low. Unemployment remained high, and there is a high degree of income inequality, but reliable figures were not available; unemployment was approximately 10 percent according to the Government; however, other sources estimated the unemployment rate to be approximately 40 percent. Women account for approximately 60 percent of the unemployed. A significant amount of economic activity, unofficially estimates between 40 and 60 percent, is not captured by government accounting or taxation. The per capita gross domestic product (GDP) increased approximately 9 percent, to approximately \$550 (308,000 drams). Inflation was 2.9 percent for the year. Most small and medium-sized enterprises have been privatized, as has most agricultural land. In August 2000, Parliament passed a bill establishing a strict and transparent system for bidding on privatization of the electrical distribution network; however, all government efforts to privatize distribution networks failed due to a lack of qualified bidders. Emigration remained a serious problem. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy; the Central Bank estimated that remittances from abroad were approximately \$300 million (108 billion drams).

The Government's human rights record remained poor; however, there were improvements in a few areas. Substantial intervention by local power structures in the election process continued to restrict citizens' ability to change their Government peacefully. There were no confirmed reports of political killings by the Government or its agents; however, there were deaths in police custody and deaths in the military as a result of mistreatment. Members of the security forces routinely beat detainees during arrest and interrogation. Arbitrary arrest and detention was a problem. The Government rarely investigated abuses by members of the security forces and impunity remained a problem. Prison conditions remained harsh and life threatening, although there were some improvements. Lengthy pretrial detention was a problem. In June Parliament approved a proposal initiated by the President to declare an amnesty which resulted in the release of nearly 1,250 prisoners serving sentences of up to 5 years or kept in detention pending trial; approximately 310 additional prisoners had their prison terms curtailed. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. Authorities did not respect constitutional protections regarding privacy and due process.

There are some limits on press freedom, and many journalists practiced self-censorship. There were some limits on freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. The Government continued to deny registration to Jehovah's Witnesses and 13 members of Jehovah's Witnesses were in corrective labor facilities for refusing military service, while 4 more Jehovah's Witnesses were awaiting trial. During the year, 40 Jehovah's Witnesses were released from jail by the June amnesty. The Government places some restrictions on freedom of movement. There was some violence against women, and governmental and societal discrimination against women, the disabled, and religious and ethnic minorities remained problems. There were a number of street children. There are some limits on workers' rights. Trafficking in women and girls was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the Government or its agents; however, there were deaths in police custody and deaths in the military as a result of mistreatment.

On September 25, a Georgian citizen of Armenian origin and a Dashnak leader, Poghos Poghosian, was found dead in a Yerevan cafe. According to some witnesses, one of President Kocharian's bodyguards beat Poghosian to death after he made an insulting remark to the President. On the next day, President Kocharian suspended Harutyun Aghamalian and several other bodyguards until an investigation could be carried out by the Prosecutor's Office. On November 27, the Procurator General's office announced that one of Kocharian's bodyguards would be tried for involuntary manslaughter, a crime that carries a penalty of 3-years in prison. On December 7, the Procurator General Aram Tamazian, acknowledged that the corpse and injuries were consistent with torture.

There were 27 deaths in custody during the year; 18 persons died in prison, while 9 deaths occurred in a group of persons who had finished their sentences but were on probation. There were a number of deaths in prison due to disease (see Section 1.c.).

There were approximately 92 deaths of military servicemen reportedly due to mistreatment and training related accidents (see Section 1.c.). In August authorities detained and brought charges against two servicemen, the commander of the Stepanavan military unit, a sergeant, and a private, for facilitating the suicide of a junior sergeant of the Stepanavan military unit, Mkrtich Poghosian in July. According to the Procurator General's office, 513 criminal cases involving 669 servicemen were investigated during the year. Some of the crimes committed included desertion, hazing, and abuse of power and embezzlement.

On May 20, the master sergeant of a military unit in Noyemberian, Suren Levon Abrahamian, was killed on duty near the village of Voskehat. A legal case against a fellow soldier was instituted under Article 100 of the Criminal Code for "premeditated murder," and was being investigated by the military garrison of the province of Gugark at year's end. On December 29, the case was sent to court.

In January 2000, the trial began of former Minister of Interior and Mayor of Yerevan Vano Siradeghian and 11 other defendants in Yerevan. All 11 defendants were former employees of the Department of Internal Troops of the Interior Ministry, including former Deputy Minister of Interior and ex-Commander of Internal Troops Vahan Harutyunian. According to the indictment, Siradeghian and the 11 others were charged with 10 counts of murder and plotting to commit murder of various government officials. In April 2000, Siradeghian disappeared and is believed to have fled the country. In April 2000, the National Assembly had voted to strip Siradeghian, a National Assembly deputy, of his parliamentary immunity. On November 19, the Parliament voted to strip Siradeghian of his parliamentary seat. In August 2000, the court found all 11 defendants guilty of murder, attempted murder, abuse of power and complicity in murder on all counts mentioned in the indictment. The prison terms for six of the accused ranged from 6 to 15 years, while five subsequently were released under the terms of two amnesties.

Another court case prosecuted in 2000, related to Siradeghian, involved the trial of a group of nine persons led by Armen Ter-Sahakian, a police officer and the former Deputy Commander of Internal Troops of the Interior Ministry. In July 2000, the first instance court of Nork-Marash district of Yerevan found all nine members (of what the indictment described as a "death squad" set up by Siradeghian) guilty of the assassinations of Hovhannes Sukiassian, Chairman of the Executive Committee of the city of Ashtarak and Head of the Armenian Railroad Hambartsum Ghandilian, murder attempts, intimidation, and racketeering. Gang leader Armen Ter-Sahakian and defendant Alik Grigorian received the death sentence; the prison terms for the seven other defendants varied from 4 to 11 years. In January the verdict was upheld by a high court in Yerevan.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

During the year, there were a few deaths as a result of landmines, although reliable statistics are difficult to obtain. Landmines were used by all sides throughout the Nagorno-Karabakh conflict and landmines have been laid on the 900-kilometer border line and territories along the contact line. During 2000 1 person was killed and 12 wounded. According to the Procurator General's office there were 2 deaths in the military as a result of landmines.

On February 27, unknown persons shot and killed Arthur Mnatsakanian, Deputy Chief of Public Affairs of the Customs Department, in his car. The case was suspended during the year pending new information.

On September 11, a grenade explosion killed Gagik Poghosian, advisor to the Prime Minister and ex-Minister of State Revenues. The case was under investigation by the Procurator General's office at year's end.

In October 1999, five terrorists opened fire on a session of Parliament with automatic weapons. They killed the Prime Minister, the Speaker of Parliament, the two Deputy Speakers, the Minister for Special Projects, and

three deputies, and wounded the Minister of Privatization and four other deputies, some critically. Deputy Procurator General Jhangirian (who is also the Military Prosecutor) was placed in charge of the investigation of the shootings. By the end of 1999, 19 persons, including a National Assembly deputy (who was stripped of his immunity by a vote of that body), the then-presidential chief of staff and advisor, and the deputy chief of state television, had been imprisoned. The investigation was criticized by attorneys for the accused, by the media, and by representatives of human rights organizations for alleged human rights abuses, including physical and mental coercion of the detainees. For example, chief defendant Nairi Hunanian claimed he was threatened and tortured in jail by Military Prosecutor Jhangirian and other investigators, who forced him to testify against presidential advisor Alexan Harutyunian, MP Mushegh Movsisian, and journalists Harutyun Harutyunian and Nairi Badalian, in the process of trying to fabricate a case against President Kocharian. In June 2000, Hunanian filed a motion demanding the dismissal of Jhangirian and the investigator's team on the grounds of alleged torture and pressure. After a brief investigation of the claims, the motion was denied by the Prosecutor General's office. Gagik Jhangirian, the Military Prosecutor investigating the case, repeatedly rejected calls for the creation of a special Parliamentary investigation to ensure an impartial investigation. In 2000 four of the accused, including the presidential advisor, the Parliamentarian, and the deputy chief of state television, were released, and charges against them dropped. The Military Prosecutor admitted that the evidence was insufficient to hold the accused. One additional detainee was released on bail for health reasons, and another prisoner was found dead in his cell in September 2000. According to the testimonies by the gunmen both before and after they surrendered to security forces and during the investigation, their motives for the killings appeared to be both political and personal.

In February court hearings began for the 13 accused defendants in the October 1999 killings. In May an ad hoc parliamentary commission consisting of 12 members was established to monitor the court hearings and visit the defendants in jail. In February the trials of the 13 accused began. In June six defendants were released by amnesty: Armen Gasparian and Avetik Minasian, two policemen, were charged with negligence; Misak Mkrtchian, Sashik Khlechiian, and Sargis Yetimian, charged with illegal possession of arms; and Armen Harutyunian, charged with failure to inform authorities about the terrorist plot.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict continued occasionally to engage in crossborder hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for ransom. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges.

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

The Constitution and laws prohibit torture; however, security personnel routinely beat pretrial detainees during arrest and interrogation, and prosecutors rely on such confessions to secure convictions (see Section 1.e.).

Most cases of police brutality go unreported because of fear of police retribution. During the year, a few cases of police brutality were reported after the intervention of local human rights groups. The Helsinki Association received two complaints from citizens about beatings at the police precincts in the village of Kasakh and in the Korhraidin community in Yerevan. Both petitioners agreed to file a motion to the Procurator General's office; however, one of them later refused to proceed with his case. Impunity remained a problem. During 2000 there were approximately 9 cases of death in custody caused by beatings and other abuse; however, there no reports available on the number of deaths caused by beatings and other abuse at year's end (see Section 1.a.).

During the year, ex-defendants and attorneys for the defendants of the October 1999 killings in the Parliament claimed in the media that they were being held in inhuman conditions and were beaten during interrogations. A number of those arrested alleged they were mistreated, including being drugged, beaten, and denied sleep for extended periods of time while in pretrial detention. During the year, representatives of the President's Commission on Human Rights, after several attempts, were able to see the detainees and were told by the men that they had been coerced physically and mentally to confess. The Commission reported no obvious evidence of physical abuse. However, a parliamentary commission was allowed to see imprisoned Deputy Mushegh Movsesian in December 1999, and confirmed that he showed signs of physical abuse. Four detainees released in 2000 also told media representatives that they had been mistreated; former presidential Chief of Staff Alexan Harutyunian stated that as part of his release agreements, he had promised not to talk to the media about the details of his case. On December 26, at a session of an ad hoc parliamentary commission set up to monitor the investigation and court hearings of the October 27 case, Harutyunian confirmed that during the investigation he had been beaten severely by three military prosecutors. According to his report, Harutyunian also stated that he was given psychotropic substances and that his family was threatened.

The Government has not investigated allegations of abuse by security services except in rare cases under pressure from human rights groups and only where death had resulted. On July 12, the Human Rights Commission held open hearings on more than 50 complaints of torture by the Military Prosecutor's office. Most complaints involved inhuman treatment, torture, and beatings of service men at the so-called reception and deployment stations (detention facilities of the military police). The next week, the Commission held another round of hearings together with the Military Prosecutor Gagik Jhangirian and Chief of the Military Police Vladimir Gasparian. Both Jhangirian and Gasparian denied the claims of torture. Subsequently family members of those killed staged a protest outside of the office, demanding Jhangirian's resignation. As a result, during the period of the investigation the Commission requested that the Prosecutor's office begin an investigation into the complaints and suspend Jhangirian. By year's end, the case remained under

Investigation and Jhangirian had not been suspended.

During the year, the Ministry of Defense cited reasons of "national security" in declining to provide local NGO's with exact details on some cases, citing the fact that the country remained technically in a state of war with Azerbaijan.

Homosexuals complained that police physically and mentally abused them and demanded bribes; such abuse reportedly increased when homosexuals were unable to pay police.

The number of deaths of conscripts from training accidents and physical abuse decreased in 2000 according to government figures. According to the Defense Minister's statement, 10 percent fewer deaths were registered in the army during the first 5 months of the year compared with the same period of 2000; however, 20 percent of military commanders were dismissed during the year due to numerous violations in their units. The hazing and beating of conscripts was severe especially for Yezidi conscripts (see Section 5). Persons accused of homosexuality in the military generally are believed to suffer beatings and otherwise are physically abused and beaten more severely or frequently than other recruits. During the year, parents of recruits killed or injured in the army or prosecuted by the Military Prosecutor's office staged several rallies in front of the presidential office and petitioned both the President and the Human Rights commission.

Yezidis complained that police routinely failed to respond to crimes committed against Yezidis (see Section 5). In April 2000, police reportedly did not intervene to prevent harassment and abuse of members of Jehovah's Witnesses by local hoodlums (see Section 5.).

There were reports that corruption by Government officials facilitated trafficking in persons (see Section 6.f.).

Prison conditions were Spartan and medical treatment was inadequate; however, according to domestic human rights organizations, conditions continued to improve. Some facilities were less overcrowded, food was better prepared, a special tuberculosis institution was built, although not operational at year's end, and prisoners' rights were codified in writing and displayed throughout the prisons. On October 1, responsibility for prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice. Nevertheless, physical abuse by guards and other prisoners continued to be a problem. During the year, 27 prisoners died in custody (18 died in prison, while 9 deaths occurred in a group of persons who were on probation.). On October 2000, the President's Commission on Human Rights visited the main prison in Gyumri, and reported that it found conditions there to be "shocking," and that the prison was filthy, cold, and in poor repair. Officials reportedly were indifferent to the welfare of the prisoners. The Commission reported that complaints mailed to them by prisoners were intercepted and given instead to the prison's warden. Since this visit, the Commission has been instrumental in improving the conditions in this facility. For example, inmates are able to receive toiletries from family members and are allowed to engage in activities and hobbies, such as sewing and writing.

A June amnesty resulted in the release of nearly 1,250 prisoners serving sentences of up to 5 years or kept in pretrial detention: 940 were released while the remaining 310 had their sentences curtailed. Out of 940 prisoners released, 14 were female and 18 were minors. By year's end, 4,112 prisoners (including 117 female and 36 minors) remained in prison and 1,675 persons remained in pretrial detention facilities.

Men and women are housed separately, and juveniles are housed separately from adults. Convicted criminals and pretrial detainees are kept in different facilities.

The Government permits domestic human rights NGO's to visit prisons; however, they do not have access to pretrial detention facilities. Domestic NGO's complained of complicated and time-consuming procedures in order to obtain permits for visits; however, permission for visits by international monitors, such as those from the Council of Europe were granted more easily. During the year, several domestic NGO's monitored prison conditions. During the year, the ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC was able to visit any prisoner in whom it had an interest, whether housed in prisons or in local police stations. The ICRC also had free and regular access to the remaining prisoners of war (POW's) from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security, in military police stations, and in Nagorno-Karabakh (see Section 1.d.).

d. Arbitrary Arrest, Detention or Exile

Arbitrary arrest and detention was a problem. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. An amendment to the Criminal Code reduces the length of time the police have the right to detain suspects without official charges from 96 to 72 hours. The police frequently imprisoned detainees without notifying their family members. Often several days passed before family members obtained information about an arrest and the person's location. Security agencies often restricted access of lawyers and family members to prisoners until the preliminary investigation phase was complete, a process that can last weeks (see Section 1.e.).

Although the Criminal Procedure Code has entered into force, the Criminal Code remained under consideration in Parliament (see Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision is not always enforced in practice and lengthy pretrial detention remained a problem. A number of pretrial detainees were released from prison as part of a June amnesty (see Section 1.c.).

At year's end, 13 members of Jehovah's Witnesses remained in detention for refusal to serve in the military

services; 6 were released on parole after serving part of their sentences, 8 additional members were awaiting trial, and 38 members were released from jail by amnesty (see Section 2.c.). The Government has sought to reopen prosecutions against 27 members of Jehovah's Witnesses convicted on the same charge, including 14 released by the amnesty.

Unlike in the previous year, there were no reports of armed forces recruiters detaining persons to compel the surrender of relatives who evaded the draft or deserted (see Section 1.f.).

During the year, a total of eight prisoners of war (POW's),—seven Azerbaijanis (two military official and five civilians) and one Armenian (military official)—were released. At least four others (three Azerbaijani military officials and one Armenian military official) were repatriated during direct exchanges by both sides.

In 2000 a local human rights group made unsubstantiated allegations that there were cases in which security authorities used confinement in mental institutions as an alternative form of detention. During the year, the same human rights group stated that they had received complaints from homosexuals claiming that they had been threatened by police with forced psychiatric examinations.

During the year, the Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in connection with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that their contacts were insufficient and restricted. Requests by a local human rights monitoring group to visit detainees to investigate allegations of physical and mental abuse were denied (see Section 1.c.). Some of the detainees reportedly were not allowed visits by family members.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Constitution's provisions do not insulate the courts fully from political pressure, and in practice, courts are subject to pressure from the executive and legislative branches and some judges are corrupt. Legal and constitutional provisions make judges and prosecutors dependent on the executive branch for their employment. The system, inherited from the Soviet system, views the court largely as a rubber stamp for the prosecutor and not as a defender of citizens' rights.

The Constitution mandates a three-level court system: The highest court is the Court of Cassation. There are two lower-level courts, the Appellate Court and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. 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 cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the presidency. Because of these limitations, the Constitutional Court cannot ensure effective compliance with constitutional human rights safeguards.

Prosecutors continued to greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Procurator 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.

The selection of judges is often based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Approximately 55 percent of the appointed judges in 1999 had been judges under the old structure.

Based on the results of this four-stage selection, 123 judges were appointed to the courts in January 1999. Judges are subject to review by the President, through the Council of Justice, after 3 years; unless they are found guilty of malfeasance, they are tenured until they reach the age of 65.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, reportedly continued to work on measures. Such constitutional revisions must pass both Parliament and a national referendum. Most of the constitutional revisions are aimed at removing some of the executive branch's powers and increasing judicial independence. In July 2000, the President discharged by decree old members and appointed new members to the commission. During the year, the constitutional amendments drafted by the commission and approved by the President, were presented for Parliament's consideration; however, Parliament had not acted on them by year's end.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts, and operate in accordance with the Soviet-era Criminal Code. In November 1999, the Military Prosecutor was named Deputy Procurator General, and placed in charge of the investigation into the October 1999 shootings in Parliament.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Prosecutor's Office, the police, or other security forces during criminal investigations.

Witnesses have no right to legal counsel during questioning while in police custody—even though failure to testify is a criminal offense—and detainees must obtain permission from the police or the Prosecutor's Office to obtain a forensic medical examination to substantiate a report of torture. Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions and, according to law, all such charges must be investigated, judges and prosecutors routinely ignored such complaints even when the perpetrator can be identified.

All 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 indigent defendants who need one. However, during the year, the local Helsinki Association conducted a survey of the courts together with the International Helsinki Federation, the International Union of Armenian Lawyers, and the Moscow Helsinki Group. According to their report, 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Reportedly individuals choose to defend themselves in court because they have little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them; however, the constitutionally mandated presumption of innocence is not observed in practice, and acquittals are rare once a case comes to trial. Defendants and prosecutors have the right to appeal; however, figures released by the Association of Armenian Judges showed that in 2000, three out of four appeals were turned down by higher courts. During 2000 only 563 of 2,266 court rulings were overruled or annulled.

In October 2000, after an 8-month trial, Former Education Minister Ashot Bleyan was sentenced to 8 years in prison for embezzlement of state property. Bleyan claimed that the charges against him were politically motivated. Bleyan's lawyers charged that his client had been abused physically while in detention and kept in especially harsh conditions in an attempt to force a confession. In May a decision by a Yerevan court of appeals upheld the October 2000 conviction of Bleyan for corruption and embezzlement, but reduced his original prison sentence to 5 years. The ruling also dismissed several punitive measures of Bleyan's initial sentence, including the confiscation of half of all his property and assets and a fine. In June Bleyan was released from jail by a presidential amnesty after serving one-third of his prison term.

There were no reports of political prisoners.

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

The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed. There were no reports of illegal wiretapping during the year.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases; however, in practice there were charges that searches continued to be made without warrants, both in connection with the October 1999 killings in Parliament and the 2000 arrest of Arkady Vardanyan (see Section 2.b.). The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary does so in practice.

There continued to be violations of the right to privacy during army conscription drives. Unlike in the previous year, there were no reports that armed forces recruiters detained persons to compel the surrender of relatives who evaded the draft or deserted. There were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees are reluctant to complain because they fear reprisals against their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, while the Government generally respects freedom of speech, there are some limits on freedom of the press, and journalists continued to practice self-censorship. There is no official censorship, publications present a variety of views, and the opposition press regularly criticizes government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. However, to avoid repetition of the retribution experienced in the past from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

Journalists remain cautious in their reporting, especially about proceedings in the courtroom, and the range of subjects the Government considers sensitive for national security reasons is large. Some members of the press have access to army facilities and places of detention. Even in cases where they do have such access, permission for media visits is a prolonged and cumbersome bureaucratic process.

Newspapers are privately owned with the exception of Hayastani Hanrapetutyun (a joint venture between

Parliament and the newspaper's staff) and Respublica Armenia. The state printing house and distribution agency both function as commercial enterprises, with no visible government intervention. However, newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation is small (25,000 copies, by the Yerevan Press Club's estimates, or approximately 1 copy per 100 persons). The few international newspapers and imported magazines are not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information, which existed as a separate entity for several years, had become part of the Ministry of Culture by year's end; however, it had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers.

Because there are a limited number of newspapers in print, television is the most widely accessible medium. The President's office continued to influence state television news coverage significantly. The most widely available of the two state-owned television channels, Public TV of Armenia, takes policy guidance from the Government. It presents mostly factual reporting but avoids editorial commentary or criticism of official actions. In Yerevan and major regional media markets, private television stations offer independent news coverage of good technical quality. Most of the more than 20 radio stations are private and independent. There are no restrictions on reception of satellite television and other foreign media, and they are not censored. There is foreign language programming.

In May security officers interrupted an interview with an opposition politician aired by Service TV, an independent cable television station in Ashtarak, and ordered the program to stop. Vilen Botsinian, the station director, refused and a few minutes later the power was cut off in the city block where the station was located. On August 28, the television station aired a live interview with another opposition politician, and a few days later the station was closed by the Argatsohn governor's decree.

Since September, the independent television station Noyan Tapan has suspended broadcasting due to an unresolved dispute over contract terms with its partner and broadcast license holder. Some opposition members of the National Assembly described this as "political and financial pressure from the government" and called for an end to the information war on the part of government authorities. Noyan Topan filed a civil suit against the license holder, which had not taken place at year's end.

Opposition parties and politicians receive adequate news coverage and access to broadcast media. During the 1999 parliamentary elections the coverage of political parties on state television and other media generally was balanced and largely neutral. Single-mandate candidates were not entitled to free programming, but there were no restrictions on paid time.

The process of license issuances for broadcast media is arbitrary and nontransparent.

In October 2000, Parliament passed a draft law on television and radio, which later was signed by the President but with reservations regarding the constitutionality of 7 articles of the law. The President appealed to the Constitutional Court and in January the Court ruled that 5 out of 7 articles were unconstitutional and must be suspended. These articles would have expanded the Parliament's control of public television and radio by the establishment of a National Board, to monitor television and radio companies. The law was criticized strongly by journalists and independent media experts for limiting freedom of speech. On January 12, in a display of protest, most private television stations suspended their prime-time broadcasting for 45 minutes. During the year, the Parliamentary Standing Committee on Science, Education, Culture, and Youth Affairs worked together with the Yerevan Press Club and the international NGO Internews to bring the law into compliance with the Constitution. At year's end, amendments had been passed by the Parliament and signed by the President. While the draft law on television and radio meets many previously expressed demands by media and human rights groups regarding freedom of the media, it still contains loopholes that could be used to impose greater control on the media by government bodies.

Internet access is not restricted.

The Government does not fully respect academic freedom. There are more than 80 private institutions of higher education. The curriculum committee of 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. According to the Ministry, only 15 schools have applied for such licensing, which gives private institutions equal status with state-run higher institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Permits are required for demonstrations and marches; however, they are granted routinely.

On September 7, more than a dozen security officers summoned Petros Makeyan, a participant in an unsanctioned protest rally against the introduction of per-minute phone payments, and the chairman of the "Democratic Motherland" Party, to their office to clear up certain questions. Makeyan refused to go and asked for a warrant; the verbal argument quickly turned into a fistfight, after which Makeyan and the officers left together. Makeyan's family was not informed where he was taken. The next day, the first instance court of Kentron (Central Yerevan) and Nork-Marash sentenced Makeyan to 10 days of administrative arrest for participation in an unsanctioned rally and resisting the police. He served the term and was released without

further incident.

In October 2000, Arkady Vardanyan, a Moscow-based Armenian businessman who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. After the demonstration, security forces searched Vardanyan's house and took him into custody; he was sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 1.d.). In November 2000, Vardanyan was charged with attempting a coup. In January 2001, Vardanyan was moved to a Yerevan cardiac hospital because his health had deteriorated. In February Vardanyan was released, cleared of charges and his case was closed. Soon after his release, Vardanyan left the country.

The Constitution provides for freedom of association; however, there are some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted. However, no human rights or political organizations reported problems with registration during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state, but grants the Armenian Apostolic Church special status as the national church.

The law 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." To qualify a religious organization must have at least 200 members. A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership is below the membership threshold of 200 and Jehovah's Witnesses; the Council still denies registration to Jehovah's Witnesses. One group of Russian "Old Believers" and some congregations of Yezidis remained unregistered, according to the State Council on Religions, because they have not applied to register. According to the leadership of the Yezidi community, appeals on their behalf in regard to alleged discrimination were raised with the Council; however, no response by government officials was forthcoming.

The State Council on Religions continued to deny registration to Jehovah's Witnesses, no longer on the grounds that the group does not permit military service, but because its "illegal proselytizing" allegedly is integral to its activity and because of the dissatisfaction and tension caused in some communities by its public preaching. The State Council on Religions and Jehovah's Witnesses continued to negotiate changes in the group's charter that would bring it into compliance with the law, but in May the State Council again refused to register the group, and a June statement by the head of the Council accused Jehovah's Witnesses of continuing to practice "illegal preaching."

The law forbids "proselytizing" (undefined in the law) except by the Armenian Apostolic Church and a presidential 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. However, the Council largely has been inactive, in part because of lack of resources, except for registering religious groups. The Council took no action against missionaries during the year, although groups such as the Church of Jesus Christ of Latter Day Saints (Mormons) limited the number of official missionaries they have in the country.

The law bans foreign funding for churches whose centers are outside the country; the ban on foreign funding has not been enforced and is considered unenforceable by the State Council on Religious Affairs. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission from the State Council on Religious Affairs to engage in religious activities in public places, to travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there is no restriction on travel by the religious personnel of any denomination, including those that are unregistered. Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use, but large shipments by unregistered groups are prohibited.

Thirteen members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. Members of Jehovah's Witnesses receiving draft notices continued to report directly to police and turned themselves in as draft evaders, rather than await induction to claim conscientious objector status. In June the President amnestied 40 members of Jehovah's Witnesses who were accused of draft evasion. Four others were awaiting release at year's end. On September 18, the Amavir Court of First Instance acquitted Levon Margarian, a leader of Jehovah's Witnesses, of charges of "enticing minors into attending religious meetings of an unregistered religion, and influencing members to refuse their civic duties." The Procurator had appealed the case to a higher court at year's end.

Alternative nonmilitary service is not available under existing law to members of Jehovah's Witnesses. On its accession to the Council of Europe in January, the Government pledged to adopt a law on alternative military service within 3 years of accession. During the year, the draft law on alternative military service was prepared by the parliamentary Commission on Defense, National Security, and Interior, but no action in Parliament had been taken by year's end.

Military conscripts who are members of Jehovah's Witnesses are subject to even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military is seen as a threat to national survival (see Section 1.c.).

Members of Jehovah's Witnesses continued to experience difficulty renting meeting places and reported that private individuals who are willing to rent them facilities frequently were visited by police and warned not to do so. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa. When shipped in bulk, publications of Jehovah's Witnesses are seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by customs officials. In August 2000, the mayor and town council published a decree expelling two members of Jehovah's Witnesses from the town of Talin, near Yerevan, for alleged "agitation," after residents alleged that they were going from door to door preaching and disturbing residents.

On September 25, Pope John Paul II arrived in Yerevan for a 3-day visit. He was the first head of the Roman Catholic Church to visit the country.

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; however, the Government places restrictions on some of these rights.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. However, citizens must negotiate with a corrupt and inefficient bureaucracy to register these changes. In addition registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. The exit stamp is valid for up to 5 years and can be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, especially within the period from 1988 to 1994, ethnic minorities on both sides have been subject frequently to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all ethnic Azeris living in Armenia in 1988—approximately 185,000 persons—fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh. As of November, Armenian officials stated that the number of ethnic-Armenians in the country during the year was 264,332. The Government and the United Nations High Commissioner on Refugees (UNHCR) do not provide numbers or any other information on refugees in Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1995 that provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past 3 years. The UNHCR local office reported that 16,259 ethnic Armenian refugees had been naturalized by year's end. Only 15 percent of all refugees in the country had been naturalized by year's end.

During the year, the National Assembly amended the 1999 refugee law, which provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. The Government respects the right of first asylum. Since 1999 there has been an established procedure for the formal recognition of asylum. However, there are few cases of applications for asylum or refugee status, since most persons use the country as a transit country. Since 1999 six persons from different countries have been granted refugee status. Border officials have little training on asylum issues. In some cases, rejected asylum seekers denied permission for legal residence were subjected to fines for illegal residence when they attempted to depart the country.

In July the National Assembly approved the draft law on political asylum, which states that political asylum will be granted only by the president. According to authorities, no one has asked Armenian authorities for political asylum since the law was approved. During the year the National Assembly adopted two new laws which protect the rights of refugees. The laws were the Law on Legal and Socio-Economic Guarantees for Persons Forcibly Displaced from the Republic Of Azerbaijan in 1988-1992 and the Law on Refugees.

There were no reports of the 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

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Serious breaches of the election law resulted in a lack of public

confidence in the integrity of the overall election process. However, 1999 parliamentary elections although marred by some irregularities, represented a step towards more free and fair elections.

In both rounds of the 1998 presidential elections, OSCE observers witnessed substantial irregularities. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then-Acting President Kocharian. Based on detailed analyses of the results tracked by observers in certain districts, it appeared that ballot box stuffing, discrepancies in vote counts, the presence of large numbers of unauthorized persons at polling stations, and other fraud practices perpetrated by local power structures inflated the number of votes for Kocharian by more than 100,000 votes in the second round. Kocharian won the second round by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the "official" candidate. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot box stuffing.

The 1999 parliamentary elections and several by-elections during 1999 and 2000 represented a step toward compliance with OSCE commitments, but failed to meet international standards for free and fair elections. The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observers voiced most concern over the poor quality of the voter lists, which were often outdated or inaccurate; mistakes in registration and voting by military personnel; problems in the formation of the election commissions and the status of their members; and the presence of unauthorized personnel in precincts during voting and counting procedures. Thousands of voters had to appeal to local courts on election day in order to cast their votes, after finding that their names had been left off local voter lists. Opposition parties such as the National Democratic Union, the Self Determination Union, the Communist Party, Hayrenik, and Azatutuyun criticized the exclusion of numerous residents from the lists. The Central Election Commission blamed the omissions on the negligence of some civil servants. Fourteen criminal cases related to parliamentary election fraud, involving 16 persons, were under investigation by the Procurator General's office at year's end. At year's end, four cases had not been resolved, three had been closed because the perpetrators appeared to be juveniles, six cases had been closed because the perpetrators agreed to pay compensation for damages, and one case had been sent to court. Nonetheless observers from OSCE/ODIHR categorized the 1999 Parliamentary elections as a step towards compliance with OSCE commitments, and noted improvements in the electoral framework and the rights of freedom of association, freedom of assembly, and freedom of expression. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures. The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers, and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

In a July 1999 by-election in Yerevan's Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was started and resulted in the arrest of 12 persons. According to the Procurator General's office 12 persons eventually went to prison for the Achapianak disturbances; of those eight were sentenced to 2 years each, while the remaining four got probationary terms of 16 to 20 months and were released on probation. Ten of these individuals were released under the June amnesty. The Achapniak by-election subsequently was held again--the two candidates involved in the altercation were removed from the ballot--and took place without incident.

Several Parliamentary by-elections were held during the year and in 2000. Most of the by-elections were carried out peacefully; however, after hearing extensive evidence about irregularities in Yerevan's Arabkir district, the Constitutional court ordered the cancellation of the results in the May 2000 by-election. The election was held again in July 2000, and a different candidate won. An appeal by the winner of the first election was considered but subsequently rejected in July 2000 by the Central Elections Commission.

In October the first national census since the Soviet era was held; however, the results were unavailable at year's end, which has raised political concerns about the integrity of the process.

The National Assembly (Parliament) consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district by district majoritarian basis. Regular sessions are held twice a year: The first from mid-September to mid-December, and the second from early February until mid-June. Given the large amount of legislative business connected with the total reform of the legal system, special sessions frequently are called, but may not last more than 6 days. The majority in Parliament is made up of a coalition called Unity, which includes the two parties that gained the most votes in the May 1999 Parliamentary elections: the Republican Party and the Peoples' Party. The coalition still formally exists but had become almost largely inoperative due to disagreements between the two parties, with the People's Party usually opposing the Government. The Government has maintained a majority for most of its proposals by adding to the votes of the Republicans those of a number of smaller parties such as the ARF/Dashnaks, Orinats Yerkir, and a large number of independents, including those in the a bloc called the Agro-Technical Peoples' Union. In December 2000, this bloc split and the minority faction renamed itself "Peoples Deputies"; however, both factions continued to support the Government. Some deputies from the Unity coalition left the coalition during 2000 over policy differences, and during the year, formed the new Republic Party, which opposes the Government on most issues, and which has reduced, but not eliminated Unity's majority. During the year, the Speaker of Parliament and one deputy speaker formally left the People's Party and became independents.

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

office. Some local officials are corrupt and subject to pressure.

There are no legal restrictions on the participation of women and minorities in government and politics; however, due to traditional social attitudes, the percentages of both women and minorities in government does not correspond to their percentages of the population. There are no female cabinet ministers, although there are several female deputy ministers. Only 4 of the 131 deputies in the Parliament are female. There are no minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

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

Several domestic and international human rights groups generally operate without government restrictions, investigating and publishing their findings on human rights cases. Public access to information on human rights cases is adequate, and there is extensive media coverage of significant court cases; however, civilian and military prosecutors have been less open since the October 1999 shootings. Nongovernmental human rights organizations often reported funding difficulties. During the year, several local NGO's received Government permission to visit several detention facilities (see Section 1.c.).

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retains full access to civilian detention facilities. An office created by the Procurator General in July to communicate with international observers was responsive to requests for information; however, information about criminal cases stemming from elections fraud was incomplete.

Existing electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to their observation of the 1999 elections and the 2000 by-elections (see Section 3).

In 1998 President Kocharian appointed a prominent opposition politician, Paruyr Hainkyan, to head a new human rights commission within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration. The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission was successful in implementing prison reforms, with the help and support from several of its members. The commission also visited military units and prisons and held open hearings on abuses in the army. The Commission visited those accused in the October 1999 killings, visited the Gyumri jail, and frequently visited military units to hear human rights complaints by soldiers. The Parliamentary Commission on National Security, Defense and Interior, headed by Vahan Hovhannisian, made regular visits to military units to hear complaints by soldiers as well.

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

The Constitution prohibits discrimination based on race, gender, religion, disability, language, or social status; however, cultural and economic factors prevent women, ethnic and religious minorities, and persons with disabilities, from participating fully in public life. The religion law discriminates against some religious groups.

Women

There is no specific law banning violence against women and a few cases of spousal abuse, or other violence against women were reported during the year; however, such violence is believed to be more widespread than statistics indicate. According to an opinion poll conducted in 2000 by a local NGO, 50 percent of Armenian women have been victims of domestic violence, although other local NGO's claimed that the percentage is lower. The problem of battered wives is much more widespread than the Government or local human rights groups will admit. Many cases were not reported to police because victims were afraid of physical harm if they do so, afraid that police would refuse to take action and instead return them to their husbands, or embarrassed to make "family matters" public. Embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. The Procurator General's office stated that 17 women were killed during the year; however, the office did not specify how the crimes were committed. According to the Procurator General, 404 women were victims of violence, although it did not specify whether or not the violence was domestic. Several NGO's exist in the Yerevan and Gyumri areas and provide shelter and assistance to battered women.

From January to June, 24 cases of rape or attempted rape were registered by the authorities. However, observers believe the actual number of rapes to be higher. The law cites specific punishments for rape. By June 12 persons had been convicted for rape.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police simply are sent to a hospital or physician for a medical check-up. Although the Criminal Code does not forbid prostitution itself, operating brothels is prohibited. According to an investigation conducted by journalists more than 1,500 prostitutes, were registered by the police, most of them in the Yerevan area. A study of Yerevan prostitution conducted by local journalists in 2000 showed that while some operate by telephone, the vast majority of prostitutes are what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operate.

Trafficking in women abroad was a problem (see Section 6.f.).

The law does not specifically prohibit sexual harassment; however, some articles in the criminal code address different aspects of sexual harassment. Cases of sexual harassment are not considered to be worthy of legal action by society.

Men often play a dominant role in many societal institutions. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior is low, especially in the rural regions. In the workplace, women receive equal pay for equal work, but generally are not afforded the same professional opportunities given to men, and often are relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate makes it difficult to gauge how effectively the law has been implemented. According to official statistics, women make up 65.4 percent of those officially registered as unemployed (approximately 96,000). In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions has made them less effective (see Section 6.a.). More women than men are enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitates a high number of men in military service, and in part by the economic situation, which has caused men to emigrate in search of employment.

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 14, then optional through age 16 (complete secondary education), and girls and boys receive equal educational opportunities. However, many facilities are impoverished and in poor condition, and teachers are forced to tutor pupils privately to supplement salaries that are low and paid irregularly. Some teachers are known to demand bribes from parents in return for good or passing grades for their children. Free children's health care is available for all children through the age of 8 for treatment of some diseases and for emergency care, but often is of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued. In the Yezidi community, a high percentage of children do not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families.

Despite social programs, the number of street children increased. A local NGO reported that there were approximately 900 homeless children and that the number was growing every year; however, government officials estimated the number of children to be between 600 and 700 (including 400 homeless children in Yerevan). Child abuse of street children does not appear to be a serious problem. Trafficking in girls was a problem (see Section 6.f.).

Persons with Disabilities

The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. Hospitals, residential care, and other facilities for serious disabilities are substandard. There were unsubstantiated reports in 2000 that security authorities used confinement in mental institutions as an alternative form of detention (see Sections 1.c. and 1.d.). There is societal discrimination against persons with disabilities.

Expenditures for the health sector increased by 27 percent (according to official statistics) during the year, and budget allocations were \$33.8 million (18,252 drams); however, despite these increases, there were no improvements in the provision of benefits and services to persons with disabilities. According to the official statistics, the social sector budget, which among other social payments and expenditures covers the needs for persons with disabilities, was budgeted at \$51.9 million (28 billion drams) and expenditures increased 58 percent. According to the Ministry of Social Welfare, approximately \$7.4 million (400 million drams) was directed towards support for persons with disabilities which includes pensions, prostheses, and wheelchairs. The amount represents approximately 32 percent of the Ministry's budget.

The law and a government decree have special provisions that mandate accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities are accessible.

Religious Minorities

There was no reported violence against minority religious groups during the year. However, "nontraditional" religious groups are viewed with suspicion, especially by some mid-level clergy in the Armenian Apostolic Church and their supporters in the bureaucracy. Yezidi children on occasion reported hazing by teachers and classmates. Some observers reported increasingly unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they are seen as "unpatriotic" for refusing military service and because of a widespread but unsubstantiated belief that they pay money to the desperately poor in order to obtain

conversions. The press reported a number of complaints lodged by citizens against Jehovah's Witnesses for alleged illegal proselytizing. Jehovah's Witnesses were the targets of religious attacks and hostile sermons by some Armenian Apostolic Church clerics.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, anti-Muslim feeling persisted among the populace, and the few remaining Muslims in the country keep a low profile. There is no formally operating mosque, although Yerevan's one surviving 18th century mosque, which was restored with Iranian funding, is open for regular Friday prayers on a tenuous legal basis. In practice the Mosque is open for prayers; however, it is not registered as a religious facility. The Government does not create any obstacles for Muslims who wish to pray there.

National/Racial/Ethnic Minorities

The population is approximately 95 percent ethnic Armenian. The Government does not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government includes in the category of "national" communities are Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. As a result of the Nagorno-Karabakh conflict, there is no significant Azeri minority (see Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained 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 law provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly. In practice virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues. Yezidi leaders complained that no books or newspapers were published in their native language and that no new teachers were being trained for their schools.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number was estimated at 20,000 by Yezidi leaders decreased from 60,000 Yezidis (registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. They cited numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army (see Section 1.c.), and lack of police response to serious crimes committed against Yezidis by other citizens. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local and central Government bodies, particularly when it concerns national minorities. Members of the Yezidi Community also tried to address their grievances with the State Commission on National Minorities, but stated that all attempts have been ignored.

In August the OSCE Yerevan Office and the NGO CIVITAS organized a conference on National Minorities which was well-attended by all minority groups, government officials, parliamentarians, and journalists. In March 2000, the National Minorities Commission held a Congress of National Minorities; the last such Congress was held in 1991. At the conference, human rights was not a topic of major concern. Nonetheless, Yezidis and Ukrainians complained of unfair treatment in regard to forced military service. Most representatives demanded more government aid for native-language newspapers and for broadcasting minority produced programs on television.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides employees with the right to form and join trade unions although it stipulates that the right to form associations—including political parties and trade unions—may be limited for persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precludes a reliable estimate of the percentage of the workforce that is unionized.

The Constitution provides for the right to strike; however, workers have neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions play a relatively passive role.

Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively

Although the Law provides for the right to organize and bargain collectively, collective bargaining is not practiced. Voluntary and direct negotiations do not take place between unions and employers without the participation of the Government, because many large employers remain under state control.

The Government encourages profitable enterprises to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. Labor disputes are arbitrated in regular or

economic courts.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced and bonded labor; however, trafficking in women was a problem (see Section 6.f.).

The Constitution and the law prohibit forced and bonded labor by children; however trafficking in girls was a problem (see Section 6.f.).

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

According to the law, 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 is enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 years are involved in family businesses, as well as some other business activities, such as agriculture where such activity is not forbidden by law. Children are forbidden specifically from engaging in arduous, or dangerous employment, even if it is their families' business, without permission by the Ministry of Social Welfare; the Ministry grants such permission only on a case-by-case basis and only for children 12 years of age or older. The Government has not ratified

ILO Convention 182 on the worst forms of child labor.

The Constitution and the law prohibit forced and bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Government sets the minimum wage by decree. The monthly minimum wage is \$9 (5,000 drams) and is insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 54.7 percent), lives below the poverty line and approximately 23 percent of the population is considered extremely poor (as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 Spitak earthquake, the conflict in Nagorno-Karabakh, and disruptions in trade resulting from a blockade by Azerbaijan and Turkey. A significant amount of economic activity, perhaps as much as 40 percent, takes place without being recorded or taxed by the local authorities. The extent to which this affects the overall economic situation is unknown.

The majority of industrial enterprises either are idle or operating at a fraction of their capacity. Some furloughed workers continued to receive minimal partial compensation from their enterprises, but most no longer received any payment if they were not working. Under the law, if an employee loses their job, 2 month's salary must be paid as compensation.

The standard legal workweek is 40 hours; many persons work multiple jobs in order to provide for basic necessities. The law provides for annual and sick leave; there are not mandated rest periods. Compensation for overtime work is required; however, it depends on the position and type of employment.

The Constitution provides citizens with the right to clean and safe workplaces. Soviet-era occupational and safety standards remained in force; however, in practice conditions were very inconsistent. Labor legislation 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. Workers are reluctant to complain or remove themselves from hazardous working conditions as they risk losing their jobs.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although it does prohibit exploitation by force of persons for financial gain; trafficking in women and girls abroad for prostitution was a problem. There were reports that corruption by Government officials facilitated trafficking.

Armenia is a country of origin for trafficking, and trafficking in women and girls is more of a problem than the Government and women's organizations have recognized openly. Although specific information on trafficking is difficult to obtain, experts from international organizations estimate that every year approximately 700 women are trafficked primarily to the United Arab Emirates and other Gulf States, as well as to Turkey, Russia, Germany, Greece, and other European countries to work as prostitutes. Women were trafficked from Yerevan, Gyumri, and Vanadzor.

Young women and girls from socially vulnerable groups all over Armenia and Nagorno-Karabakh are the main targets of traffickers. Trafficked persons often were lured by jobs abroad offered through recruiters and informal channels, tourism firms and some media. Reportedly, there were cases when older girls from orphanages and poor families are sold to wealthy men in Dubai. An orphanage run by a religious group reports that older girls have been approached by relatives urging them to "earn their share" for the family by engaging in prostitution. Most parents and relatives are convinced; however, that they are sending such children to work in the UAE or elsewhere as models, dancers, waitresses, or domestic servants. Traffickers themselves are often ex-prostitutes or pimps who have already established "good working contacts" in the country of destination. They are well organized, have connections with local authorities and are supported and protected by criminal gangs. Most potential victims are approached by persons whom they personally know (e.g. friends of friends, relatives of relatives, neighbors, etc.), or by travel agencies. Most often, recruiters tell victims that they will be working as babysitters, waitresses, or cleaning ladies. Only a few of the victims know before departure that they will work as prostitutes, but even these do not realize that they will have their documents and money confiscated and that they will be pressured to receive numerous clients every day to maximize their employer's profits. To tighten control over their "staff" procurers threaten to burn prostitutes' passports or to inform police about their "business."

There is no specific law prohibiting trafficking in persons. Traffickers may be prosecuted under different articles of the Criminal Code: For example, illicit seizure of non-property documents (passports or other personal documents), as well as use of these documents, may be punished by imprisonment up to 1 year; falsification and selling of documents, by imprisonment up to 5 years; pandering, by imprisonment up to 5 years; bogus marriage and bogus divorce with mercenary ends or other reasons, by imprisonment up to 1 year; extortion (coercion of a person, or coercion by publishing compromising information about a person), by imprisonment from 2 to 4 years; coercing of a woman to perform sexual intercourse by a person on whom this woman is financially (or economically) dependent by imprisonment up to 7 years. The Criminal Code specifically prohibits keeping brothels, although prostitution itself is legal. Police officials announced the investigation of numerous cases of procuring but said that they were unable to arrest the main offenders because they resided in the Middle East rather than in the country. There have been few cases (four to five in 1999-2000) in which traffickers were prosecuted. Some officials from the Ministry of Interior complained that courts easily acquit procurers or sentence them to only minor administrative punishment and fines. In addition, victims usually are the main witnesses and are often reluctant to come forward out of fear of violent retaliations. Reliable information on trafficking has been difficult to obtain.

Some NGO's and experts insist that local police officers, border guards and customs officers are involved in trafficking by accepting bribes from traffickers in exchange for tolerating their business:

According to international NGO's, the Government appears to be focusing more on prostitution within the country than on trafficking; however, the Government acknowledges the problem.

There are no trafficking prevention programs run by the Government. The Armenian Government indicated to IOM that Armenia would join the U.N. convention against transnational organized crime and two protocols against human trafficking and illegal migration by the end of the year. In November the Government acceded to the convention and two protocols; however, the ratification process had not been completed by year's end. However, Armenian law enforcement authorities and the Procuracy General cooperated with foreign countries in particular cases when assistance and information exchange were necessary, including trafficking cases.

There were also some women's NGO's that tried to raise public awareness of this problem and obtain funding for assistance programs; however, there were no NGO sponsored assistance programs for victims.

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