

Armenian (85)



1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

106

ARMENIA

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 multicandidate election in 1998 after former President Levon Ter-Petrossian was forced to resign in February by his former political allies in the Government and Parliament. Then President Ter-Petrossian's reelection in 1996 was flawed by numerous irregularities and serious breaches of the election law. There also were serious flaws in both rounds of the 1998 presidential elections. Organization for Security and Cooperation in Europe (OSCE) observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. It appears that ballot box stuffing, discrepancies in vote counts, a large number of unauthorized persons in polling stations, and other fraud perpetrated by local power structures inflated the number of votes for Kocharian. Nonetheless, the 1998 elections and the May parliamentary and October municipal elections showed continued improvement with respect to voting practices and vote-counting as well as to the ability of a pluralistic group of candidates to campaign freely. Although irregularities marred both the parliamentary elections and local elections, OSCE observers categorized the former as an step toward compliance with OSCE commitments, but stated that they still failed to meet international standards. Observers reported that the situation was much improved in terms of ending ballot box stuffing and overt intimidation by supporters of various candidates; however, they still noted problems in many precincts with inaccurate or obsolete voting lists, the presence of unauthorized personnel during the voting and counting processes, and possible irregularities involving voting of military personnel. Some local observers reported that municipal elections also were flawed. The Parliament differs from previous ones in two important ways: First, members are required to serve full-time and not to hold jobs outside the legislature; and second, the number of seats was reduced from 190 to 131. The current parliamentary majority usually votes in support of the Government. The legislators do not always represent effectively either the needs of their constituents or the existing political party composition, although they do so more effectively than in previous parliaments. The current majority, made up of a coalition, called Unity, of the two largest parties, the Peoples' Party and the Republican Party, also attracts the votes of most deputies elected as independents. Although the leaders of both parties were killed in the October 27 terrorist attack on parliament, this did not appear to affect the continuity of their coalition by year's end. The legislature approves new laws, must confirm 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, the courts are subject to pressure from the executive branch and corruption.

The Ministries of Internal Affairs and of National Security, formerly one ministry which was split in June, are jointly responsible for domestic security, intelligence activities, border controls, and the national police force. Members of the security forces committed human rights abuses.

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector still is not functioning at full capacity and its output remains low. Unemployment remains high, resulting in a high degree of income inequality, but the exact figure is difficult to quantify. This is because a significant amount of economic activity, perhaps as much as 40 percent, is not captured by government

accounting or taxation; unemployment is approximately 50 percent. Women form a disproportionately large number of the unemployed. Most small and medium-sized enterprises have been privatized, as has most agricultural land. About 75 percent of landowners now have secure title to their land. The gross domestic product (GDP) fell slightly to about \$590 per capita. Inflation fell to 2.1 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy, although the financial crisis in Russia, where many Armenians went to look for work, cut deeply into the flow of remittances. The Government is working to resolve its current budget crisis through increased taxes on gasoline and imported tobacco, as well as through cuts in most areas of government spending.

The Government's human rights record was poor in several important areas, and problems persist. Substantial intervention by local power structures in the election process continues to restrict citizens' ability to change their government peacefully. Members of the security forces committed extrajudicial killings, routinely beat detainees during arrest and interrogation, arbitrarily arrested and detained persons without warrants, and did not respect constitutional protections regarding privacy and due process. Impunity remains a problem, and the Government rarely investigates abuses by members of the security forces. Prison conditions are harsh and life threatening, and lengthy pretrial detention is a problem. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. There are some limits on press freedom, and many journalists practice self-censorship. State television, which refrains from criticizing government policy, remains the major source of news for most of the population, but independent television and newspapers, along with private radio stations, offer substantial competition. The nongovernmental media often criticize the country's leadership and policies. Burdensome registration requirements hinder freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. Registration requirements for religious groups kept Jehovah's Witnesses from operating legally, and eight members of Jehovah's Witnesses are in jail for refusing military service; three more arrested on those charges were released on bail. The Government places some restrictions on freedom of movement. Discrimination against women, the disabled, and minorities remains a problem.

After his election, President Kocharian appointed an opposition presidential candidate to head two presidential commissions charged with improving human rights and reforming the Constitution to create a more even balance of power among the legislative, executive, and judicial branches. A subsequent commission on balancing the powers of the three branches of government presented several proposals that would weaken the influence of the executive over the other branches. These proposals are scheduled to be voted upon in a national referendum in May 2000. To date the Human Rights Commission has submitted a number of proposals, one of which is establishment of an office of ombudsman; however, there was no action taken on the ombudsman proposal by year's end.

On October 27, five terrorists entered the National Assembly and opened fire, killing the Prime Minister, the Speaker of the National Assembly and six other Members of Parliament and wounding at least five more persons. Investigation of the killings, conducted by the Deputy Prosecutor General, was continuing at year's end. Fifteen persons were detained for interrogation, including a Deputy of the National Assembly, a former presidential chief of staff, and the deputy chief of state television. Defense attorneys and the press accused the Deputy Prosecutor General of using coercion, including physical abuse of the accused, to extract evidence, and President Kocharian expressed concern that the rights of the accused be respected.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings by police or security forces during the year; however, there were numerous reports of extrajudicial killings. Local human rights groups reported five cases of death in custody as result of beatings and torture. Oleg Arishin, who died on April 27, and Stepan Gevorgian, who died on April 15, had been charged with robbery and assault. During the trial, Gevorgian filed motions of mistreatment that were rejected by the court; his family stated that his corpse revealed clear evidence that he was beaten severely. Yerevan native Arsen Stepanian was taken to a district police headquarters in July to testify on a dispute with a representative of the local electric power net. Stepanian died several hours later at home; post mortem examination confirmed that he had suffered broken bones and a heart attack. No one was charged in these deaths. On October 12, the International Helsinki Federation requested that President Kocharian investigate these cases; however, by year's end, no legal action was taken.

Two other cases of death in custody involved Edward Vardanian, who allegedly committed suicide during interrogation at the police precinct in the city of Abovian in March, and Artush Ghazarian, military commissar of the city of Tashir, who allegedly died of beatings in September while in custody during his interrogation on unspecified charges.

There was a significant number of deaths of military servicemen reportedly due to mistreatment (see Section 1.c.).

Prison conditions are harsh and life threatening and medical treatment is inadequate. Three were a number of deaths due to disease (see Section 1.c.).

Charges against five police officers for a 1993 death, a case repeatedly remanded for investigation by the Supreme Court, were never pressed despite assurances by a previous Prosecutor General.

On October 27, five terrorists opened fire on a session of the National Assembly with automatic weapons. They killed the Prime Minister, the Speaker of the National Assembly, the two Deputy Speakers, the Minister for Special Projects, and three Deputies, and wounded the Minister of Privatization and four other Deputies, some critically. The gunmen claimed that they intended to kill only the Prime Minister, and that the other victims died in a cross-fire with guards, although video footage clearly showed the terrorists firing into victims in other parts of the room. Announcing that they were carrying out a coup against alleged corruption in the Government, they then held approximately 150 hostages inside the Parliament building, gradually releasing them during the night.

On the morning of October 28, the terrorists released about 50 remaining hostages and surrendered to security forces. According to their reported statements, their motives were related to frustration over the direction in which the country was going, but also may have included personal grievances. Security at the Parliament building, which was handled by special parliamentary guards, was extremely lax, and criticism mounted, including from the Ministry of Defense, against the Ministers of National Security and of Interior and the Prosecutor General; the two latter officials submitted their resignations on October 29. Their resignations were subsequently were accepted by the President. The Minister of National Security resigned on November 1, and subsequently was appointed presidential chief of staff. The Deputy Prosecutor General (who is also military prosecutor general) was placed in charge of investigating the killings. Fifteen persons were detained for interrogation by year's end, including a Deputy of the National Assembly (who was stripped of his parliamentary immunity by a vote of that body), a former presidential chief of staff and advisor, and the deputy chief of state television. The investigation was criticized by attorneys for the detainees, by the media, and by representatives of several political parties for reported human rights abuses (see Section 1.c.). Gagik Jahangirian, the military prosecutor who is conducting the investigation into the parliamentary shootings, repeatedly rejected calls for the creation of a special parliamentary committee to ensure an

impartial investigation. The chairman of the National Democratic Union, Vazgen Manukian, and other opposition politicians charged the authorities with manipulation of the investigation for political reasons.

On the night of February 9, the body of Artsrun Margarian, Deputy Minister of Interior and National Security and Chief of Internal Troops, was found on the roadside near Yerevan. Margarian's two bodyguards, arrested after his death and charged with homicide, were released from custody in July and not charged for lack of evidence (see Section 1.c.). The third person allegedly involved in Margarian's death, Doctor Hrant Papikian, is charged with not reporting plotted crimes. Court hearings on the Margarian case began in October; however, there was no verdict by year's end.

Margarian's case was one of a number of high-profile murders during the last 2 years that may have been related to corruption or criminal activities. Another case, the murder of Deputy Minister of Defense Vahram Khorkhoruni on December 10, 1998, is still under investigation. The lack of progress on the Margarian and Khorkhoruni cases was one of the reasons given by the Defense Ministry for demanding the resignations of the three major nonmilitary security officials. Investigation of the August 1998 murder of Prosecutor General Henrik Khachatryan by a subordinate was completed; the official verdict was "homicide and suicide."

In June the Prosecutor General's office completed investigation of a criminal indictment against former Minister of Interior and former mayor of Yerevan Vano Siradeghian, former commander of Interior Ministry troops Vahan Harutyunian, and others. Siradeghian's indictment listed 10 counts, including, among other charges, the 1993 murder of Armenian railroad director Hambartzum Ghandilian, the murder of Ashtarak district executive committee chairman Hovannes Sukiasian, and the attempted murder of the chief of the Prosecutor General's investigation department, Vladimir Grigorian, as well as kidnaping and bribery. Court hearings in the Siradeghian case, which also involves 11 other defendants, began in September but were postponed several times at the request of Siradeghian's attorneys. At year's end, the case was in progress in a Yerevan court.

Another Siradeghian-related court case involved the trial of an armed gang led by Armen Ter-Sahakian. Most of the gang members were former Interior Ministry employees. The gang allegedly was responsible for a number of murders of top officials carried out since the country gained independence, as well as for extortion, robbery, and illegal possession of weapons. At year's end, the trial was in its intermediate stages.

b. Disappearance

There were no reports of politically motivated disappearances.

In September the Government unilaterally released three POW's under OSCE auspices; Azerbaijan reciprocated by unilaterally releasing four POW's. In October two more Azeri POW's were released, and still one more was released in December.

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

The Constitution and the law prohibit torture; however, the practice of security personnel beating pretrial detainees during arrest and interrogation remains a routine part of criminal investigations, and prosecutors rely on such confessions to secure convictions. Most cases of police brutality go unreported. Impunity remains a problem.

Local human rights groups reported five cases of death in custody due to torture and beatings (see Section 1.a.).

Attorneys for the five gunmen charged in the October 27 killings in Parliament claimed in the media that the accused were being held in inhuman conditions and were beaten during interrogations. The government-appointed Commission on Human Rights made several

attempts to see the prisoners to verify charges that they were being physically abused but was not able to see them. An attorney for National Assembly Deputy Mushegh Movsesian, who was detained in connection with the case, also claimed that his client was beaten, and a parliamentary candidate who examined him agreed. The attorney requested that Movsesian be examined for a severe ulcer from which he reportedly was suffering; the deputy prosecutor general's office agreed to this on December 24.

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 ignore such complaints even when the perpetrator can be identified.

The Government has not conducted investigations of abuse by security services, except in rare cases where death has resulted and under pressure from human rights groups. The number of deaths of conscripts from training accidents and physical abuse decreased by 33 percent between 1997 and September, according to government figures. While this number cannot be verified, based on information from human rights groups the figure of 120 noncombat deaths during the year appears to be accurate. Amnesty International stated that a conscript arrested for being absent without leave was beaten so badly in August 1998 that subsequently he died. The case currently is pending in the Echmiadzin regional court. The military prosecutor's office reported that in September investigations were continuing in 32 cases involving deaths. President Kocharian met in November with the parents of conscripts who died or were injured severely during training and promised them that the cases would be investigated fully. There are no separate military courts (see Section 1.e.). Military cases that go to trial (many are settled administratively) in civilian courts are handled by the military prosecutor's office. Members of the Yezidi ethnic-religious minority complain that "hazing" and beating of conscripts, common throughout the former Soviet Union, are especially severe for conscripts from their ranks.

According to a March letter from the President's Office to Human Rights Watch, the military Prosecutor General or the military Inspector General had fired 18 employees of those 2 offices since July 1997 for violations of criminal procedure leading to suicides or accidental deaths of servicemen. The President's letter also stated that the military Inspector General and Prosecutor General had prosecuted and convicted 80 military officers in 1998 for violations of the military code; 32 were for abuse of power, 3 for murder or attempted murder, 2 for causing suicides, and 2 for causing maiming or severe bodily injury. The Ministry of Defense declined to provide exact details on cases involving national security while the country remained technically in a state of war with Azerbaijan.

Homosexuals complain that police physically and mentally abuse them, especially if they have no means to pay police extortions. Those accused of homosexuality in the military generally are believed to suffer beatings and other physical abuse.

Prison conditions are harsh and life threatening. Facilities are often overcrowded and food is inadequate to preserve health unless supplemented by assistance from families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common, and there were a number of deaths from such diseases during the year. Although agreement in principle was been reached in 1997 to transfer responsibility for prisons from the Ministry of Internal Affairs to the Ministry of Justice to improve oversight, no action to that effect was taken by year's end. Physical abuse by guards and by other prisoners is a problem. After a visit to the principal prison in Yerevan for detainees held by the Ministry of the Interior, the head of the Armenia Human Rights Commission reported on December 23 that complaints by prisoners had focused on poor conditions in their cells and on reported physical and verbal abuse by Interior Ministry personnel.

According to his lawyer, Ministry of Internal Affairs staff beat former Minister of Education Ashot Bleyan while he was in prison on August 18. He was awaiting trial on corruption charges (see Section 1.d.).

According to the Armenian Helsinki Association, the two bodyguards of the late Deputy Interior Minister Artsrun Margarian were subjected to torture in February during the investigation into Margarian's death (see Section 1.a.).

The International Committee of the Red Cross (ICRC) had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC is able to visit, according to its standard modalities, any prisoner in whom it has an interest, whether in prisons or in local police stations. Also, the ICRC had regular access to POW's from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security and the military police stations. The ICRC also had access to POW's in Nagorno-Karabakh.

d. Arbitrary Arrest, Detention or Exile

Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. The police frequently imprison detainees without notification of their family members. It often is several days before family members obtain information as to whether someone has been arrested and the person's location. Security agencies often restrict access of lawyers and family members to prisoners until the preliminary investigation phase is complete, a process that can last weeks. During the year, the amount of time that detainees could be held without being charged officially was extended from 72 to 96 hours.

The transitional provisions of the Constitution provide that Soviet-era procedures for searches and arrests were to continue until the new Criminal Code and Criminal Procedure Code came into effect in January. Although the Criminal Procedure Code entered into force, the Criminal Code remains under consideration in Parliament, and the likely date of its passage remains unclear. 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. There is no provision for bail, although detainees may sign a document and remain at liberty under their own recognizance pending trial.

Former deputy chief of customs Mihran Movsesian, a relative of detained National Assembly Deputy Musegh Movsesian, told the media that he was called to the Ministry of National Security in early November for questioning about the killings in Parliament. Movsesian said that he was detained for the next 30 days in the Ministry's holding facility for national security cases without being charged, in violation of the legal provision that detainees must be charged within 96 hours. Movsesian then was released without charge and was never given any official explanation for his detention.

Former Education Minister Ashot Bleyan was detained by two law enforcement officials on May 14 after being charged with embezzlement of public funds intended for the purchase of textbooks (see Section 1.c.). Supporters of Bleyan formed a committee for his defense. Human Rights Watch reports that according to his lawyer, he was beaten while in detention by Interior Ministry officials, and Bleyan stated in September that the procuracy official handling the case was present during the beating; the lawyer's report was not confirmed independently.

Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives (see Section 1.f.).

A local human rights group alleges that there are cases in which security authorities use confinement in mental institutions as an alternative form of detention.

The ICRC reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict occasionally engage in cross-border hostage taking, sometimes to win release of a friend or relative held on the other side, but sometimes for financial gain. Such incidents reportedly declined significantly during the year.

There were no reports of forced exile.

e. Denial of Fair Public Trial

The Constitution nominally provides for an independent judiciary; however, in practice courts are subject to pressure from the executive branch and to corruption. The Constitution's provisions do not appear designed to insulate the courts from political pressure. Other legal and constitutional provisions make judges and prosecutors dependent on the executive branch for their employment. 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. Under the Constitution, the Council of Justice, 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.

According to the transitional provisions of the Constitution, the existing courts retained their powers until the new judicial system began to function in January. During the transition, district courts tried most cases, with a right of appeal to regional courts and then to the Supreme Court.

The 1995 Constitution requires a new three-level court system. The highest court, the Court of Cassation, began functioning in the summer of 1998. First instance courts try most cases, with a right of appeal to the Appellate Court 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. Due to these limitations, the Constitutional Court cannot ensure effectively constitutional human rights safeguards.

Judges for the two lower-level courts, the Appellate Court and courts of the first instance, began functioning in January. The selection of judges was based on: their scores on a multiple choice test to determine their fitness to be judges under the new system, based on previously published information regarding the new legal codes; and their interviews with the Minister of Justice. Next, the list of nominations was approved by the Council of Justice and, finally, by the President. About 55 percent of the appointed judges were judges under the old structure. The executive branch continued to have a dominant role in judicial selection. Based on the results of this four-stage selection, 123 judges were appointed to the new courts on January 12. Unless they are found guilty of malfeasance, their tenure is permanent until they reach the age of 65.

The judicial system continued to be in transition. As part of the package of judicial reform legislation mandated by the Constitution, both prosecutors and defense counsels began a process of retraining and recertification in order to retain their positions. Even though the newly passed legislation reduced significantly prosecutors' supervision of civil cases, prosecutors still greatly overshadow defense lawyers and judges during trials.

The new Criminal Code, which is intended to clarify contradictory provisions of the law and create a more unitary, modern, and workable legal system has not yet been approved. Two other new codes, the Civil Code and the Criminal Procedures Code, were passed in the summer of 1998 and went into effect in January. Under the new codes, prosecutors are expected to continue to have more influence than judges do. The functions of the Ministry of Justice have been reduced substantially with the establishment of the Council of Court Chairs, which is responsible for financial and budgetary issues for the courts. The Council

of Court Chairs includes 21 court chairs (the senior judges of multi-judge panels) at all levels.

The new criminal procedure code does not allow detainees to file a complaint in court prior to trial to redress abuses by the procuracy, police, or other security forces during criminal investigations. Under the new code, the police may detain individuals for up to 12 hours before notifying family members, 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 seek permission from the police or procuracy to obtain a forensic medical examination to substantiate a report of torture.

President Kocharian established in June 1998 a constitutional reform commission, one of whose stated goals is to strengthen the independence of the judiciary and give the courts more authority in safeguarding human rights. On March 1, the commission submitted its suggestions for constitutional amendments to the President. One proposed change was to remove the prohibition against dual citizenship. The President disbanded the old commission and by a July 23 decree appointed new members to amend the Constitution's chapter on the judiciary. Such constitutional revisions must pass both Parliament and a national referendum.

The military legal system operates essentially as it did in 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; pending passage of a new criminal code, they operate in accordance with the Soviet-era Criminal Code. In 1998 the military prosecutor abolished military ranks for the prosecutors in his service.

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 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. However, the constitutionally mandated presumption of innocence is ineffective, and acquittals are rare once a case comes to trial. Defendants and prosecutors have the right of appeal.

There were no reports of political prisoners.

The five remaining defendants in the "Dro" case remain in prison following conviction of criminal charges of murder. Two were condemned to death, but given the country's current moratorium on the death penalty, they may instead serve life or 25-year sentences. A sixth Dashnak prisoner, convicted of the murder of a policeman in a separate case, also remained in jail under sentence of death.

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; however, authorities at times infringed on these rights. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone 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 judge before conducting a search. Security forces were refused issuance of warrants due to lack of evidence in several cases; however, in practice there are charges that searches continue to be made without a warrant. The Constitution provides that the judiciary must exclude evidence obtained without a warrant. Legislation passed in 1997 to improve security of bank

deposits has been enforced.

There continued to be violations of the right to privacy during army conscription drives. Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives. There are credible reports of improper conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. There were no reported cases of punitive conscription of males who 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, there are some limits on freedom of the press and journalists 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 retribution experienced in years past on the part of powerful officials and other individuals, many journalists practice self-censorship, particularly in reporting on major corruption or national security issues. Many journalists remain cautious in their reporting, and the range of subjects considered sensitive for national security is relatively large.

Newspapers, with the exception of Hayastani Hanrapetutyun and Respublica Armenia (both joint ventures between Parliament and their staffs), are privately owned. The state printing house and distribution agency both now function as commercial enterprises, with no visible government intervention.

The sensationalist political tabloid Oragir and its successor Haykakan Zhamanak were subjected on several occasions in 1999 to legal pressure and intimidation stemming from articles that accused government figures of corruption and revealed alleged dubious connections between the then-Minister of Interior and National Security and a gasoline importing private company. A series of court cases and incidents included a public scuffle in June, when court bailiffs tried unsuccessfully to seize Oragir's equipment to satisfy a libel judgment. In September Oragir editor Nikol Pashinian was found guilty of libel, slander, libeling a public official, and contempt of court (for not publishing a retraction demanded by a court) and sentenced to 1 year of corrective labor and ordered to pay a fine of \$25,000 (13.5 million drams). Pashinian appealed the judgment and not paid the fine; other journalists, who up to then had been largely nonsupportive of his case, passed a resolution criticizing the punishment as unduly harsh and for several weeks rallied almost daily in front of the President's office demanding a more lenient sentence. At year's end, no decision on the Pashinian case had been announced by the appeals court.

On December 23, the offices of Haykakan Zhamanak were invaded by approximately a dozen men who beat and kicked Pashinian and other male members of the staff. They reportedly were led by a local businessman who was angered by an article in Haykakan Zhamanak that accused him of corruption. Pashinian afterwards announced that he would not file charges against his assailants, but that he expected them to apologize to all journalists for the attack.

On December 25, the Russian newspaper Novoye Vremya had reprinted an article originally published in the Russian press accusing the late Prime Minister Vazgen Sargsian of corruption. Novoye Vremya's editor subsequently reportedly received a threatening telephone call purporting to be from the Yerkrapah Union, a social/political faction of veterans of the Nagorno-Karabakh war founded by Sargsian. The caller warned the editor that if his paper continued to "insult" the slain Prime Minister, his house would be burned. On December 31, a fire characterized by media reports as arson damaged the

Yerevan offices of the Russian newspaper.

Newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Due to prevailing economic conditions, newspaper circulation is small (a total of 40,000 copies, by the Department of Information's estimates, or about 1 copy per 100 persons). The state-owned newspaper printing and distribution companies have been privatized, except for a small government stake. There were no complaints of official government pressure on news media.

State institutions that previously had tended to exert control over the media have lost most of their functions. The Department of Information, created in 1997 to replace the disbanded Ministry of Information, continued to exist, but with 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. A board was created in late 1997 with representatives from the President's Office, Government, and Parliament, to supervise the transformation of the state-owned press agency, printing, and newspaper distribution into commercial enterprises. The board has not been active during the past 2 years, and state-owned enterprises remain under government control. The President's Office continued to influence state television news coverage.

The most widely available of the two state-owned television channels takes policy guidance from the Government; presenting mostly factual reporting, it avoids editorial commentary or criticism of official actions. During the May 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 programing, but had no restrictions on paid time. In Yerevan and major regional media markets, private television stations now offer independent news coverage of good technical quality. Most radio stations are private. Opposition parties and politicians receive adequate news coverage and access on these channels. Legislation has not been passed yet to regulate the current arbitrary and nontransparent process of license issuance. Draft broadcast and media laws, the subject of intensive discussion among journalists, were revised extensively, but for a second year they were not discussed by Parliament. One new measure announced in October 1998, a 25-fold increase in licensing fees for television broadcasters, was expected to have a serious effect on struggling private stations; these stations appealed for the measure's cancellation. After the President's intervention, the overall increase was significantly lowered (to three-fold). The few international newspapers and magazines imported are not censored. There are no restrictions on reception of satellite television and other foreign media, and this material is not censored.

The Government partially respects academic freedom. There are more than 80 private institutions of higher education. 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.

Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice.

The Constitution provides for freedom of association, and the Government generally respects this right in practice; however, there are some important exceptions. There are cumbersome registration requirements for all political 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 registrations accepted. No human rights or political organization 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, which has formal legal status as the national church.

The 1991 Law on Freedom of Conscience, amended in 1997, 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 Armenian 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. The Council on Religious Affairs took no action against missionaries during the year and even members of Jehovah's Witnesses, which is not registered, were allowed to engage fairly openly in missionary activity.

In 1996 Parliament passed legislation tightening registration requirements by raising from 50 to 200 adult members the minimum number required for registration. The law banned funding for foreign-based churches from centers outside Armenia. The 1996 legislation also mandated 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, 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.

As of year's end, registered religious groups had reported no adverse consequences from the law. The ban on foreign funding has not been enforced and is considered unenforceable by the Council on Religious Affairs. The Council has such limited resources that it has not performed any acts except the annual reregistering of religious groups. No registered religious group was denied reregistration under the amended law. All existing denominations reregistered except the Hare Krishnas, who reportedly dropped below even the previous 50-member threshold and hence did not seek to reregister and are no longer active. A few new organizations registered, in some instances groups created after splits in previous organizations, bringing the number of registered groups to 48.

However, the Council on Religious Affairs 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 proselytism" is allegedly integral to its activity and because of the "dissatisfaction and tension" caused in some communities by its public preaching. A regional leader of Jehovah's Witnesses held meetings with the Council on Religious Affairs in September, which he described as "encouraging," but there was no change in the denial of registration by year's end. Jehovah's Witnesses have challenged their nonregistration in the courts as recommended in 1998 by the President's Human Rights Commission.

Eleven members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. According to Amnesty International, at least one Jehovah's Witnesses conscript was beaten severely by military personnel in December 1998 for refusal to wear a uniform. Around 50 Jehovah's Witnesses were reportedly in

hiding from the draft. Alternative nonmilitary service is sometimes available for persons willing to act as teachers in remote villages, an option not available under current law to members of Jehovah's Witnesses. The President's office stated in March that a law was being drafted that would regulate alternative service for Jehovah's Witnesses and other conscientious objectors, but it had not been introduced by year's end. At least one member of Jehovah's Witnesses detained for draft evasion during the year indicated in writing his willingness to perform alternative service. A Jehovah's Witnesses official noted that some forms of alternate service would be problematic for members of his group, due to their creed's prohibition of participation in some government organs.

Police curtailed a Jehovah's Witnesses convention held in September at a privately owned, rented facility outside Yerevan and tried to disperse the meeting nonviolently, citing an alleged decree by the National Security Council; however, they were unable to produce such a decree, and an official of the Council on Religious Affairs stated that it had not authorized dispersal of the meeting and was not aware of the decree. The police left without dispersing the meeting, but shortly thereafter power to the building was interrupted. Jehovah's Witnesses ended their meeting prematurely but peacefully. No agency admitted responsibility for the power interruption.

According to the law, a religious organization refused registration cannot publish a newspaper or magazine, rent a meeting place on government-owned property, have its own program on television or radio, or officially sponsor the visas of visitors. Jehovah's Witnesses continue to have problems renting meeting places. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa.

The Armenian Apostolic Church elected a new head, or Catholicos, at an ecclesiastical conference in October attended by delegations from around the world. Although several candidates for this office alleged government interference in the election process, the vote was held in an open atmosphere and there were no signs of pressure or intimidation by government agencies.

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 those rights. The Government may deny passports to persons possessing state secrets, to those subject to military service, and to those whose relatives have made financial claims against them. Men of military age must overcome substantial bureaucratic obstacles to international travel. The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. They must negotiate with a corrupt and inefficient bureaucracy to register these changes, but this practice is now more a nuisance than an impediment. In addition registration of a residence is a difficult process, particularly for those who live in a rented dwelling.

After 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 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 and gained refugee status in Armenia. The majority of the rest took refuge in Russia, with small numbers remaining in Azerbaijan.

The National Assembly passed a law on citizenship in 1996 that provides for refugees of Armenian ethnicity to gain citizenship, provided they are stateless and have resided in the country for the past 3 years. In 1998 the Government implemented regulations for the law and began new efforts to encourage refugees to accept Armenian citizenship. In January the Government decided to allow refugees to naturalize when registered under their factual residence (the residence at which the refugee actually resides), and in March the

refugee law was adopted by the National Assembly. During the final months of the year, the Government established a new system at the local level, making the acquisition of citizenship easier for refugees. As a result, an increased number of refugees chose to accept citizenship: from August through November, 6,473 refugees received citizenship, compared with a total of 7,200 total in 1998. However, a government report at year's end said that most refugees are still reluctant to become citizens, fearing the loss of free housing, military service exemptions, and other benefits accorded refugees.

The Government cooperates with the Office of the U.N. High Commissioner for refugees and other humanitarian organizations in assisting ethnic Armenian refugees. The newly passed refugee law has provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government respects the right of first asylum. During the year, at least one Sudanese was granted asylum based on fear of religious prosecution if he returned to Sudan.

Border officials have no training on asylum issues. In some cases, persons denied permission for legal residence are subjected to fines for illegal residence when they attempt to depart the country. 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, as had the previous Government's manipulation of the 1996 presidential election. Serious breaches of the election law and numerous irregularities in the 1995 parliamentary elections, and the 1996 and 1998 presidential elections resulted in a lack of public confidence in the integrity of the overall election process.

In both rounds of the 1998 presidential elections, OSCE observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. 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 analysis of the results tracked by observer reports in certain districts, it appears that ballot box stuffing, discrepancies in vote counts, a large number of unauthorized persons in polling stations, and other fraud perpetrated by local power structures inflated the number of votes for Kocharian by well over 100,000 votes in the second round, which he won 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. Voters enjoyed a full spectrum of choices among candidates; all presidential candidates were provided opportunities to present themselves to the electorate through the provision of free and paid access to state media. However, state television, the most influential single source of information, provided coverage biased heavily in favor of the acting president. The electoral process fell far short of the authorities' commitments to their citizens. 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 May parliamentary elections showed continued improvement toward compliance with OSCE commitments, but still failed to meet international standards. Nonetheless, during the election, observers from the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted improvements in the electoral framework and the political environment. Freedom of association, freedom of assembly, and freedom of expression were respected during the campaign. The previously banned party ARF-Dashnaksutyun reentered political activity in 1998. The May 30 elections took place under a new electoral code that represented a substantial improvement compared with previous legislation and incorporated

recommendations of international organizations. For example the code provides for the accreditation of domestic nonpartisan observers. It abolishes one level of election bureaucracy (the community election commissions) and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

However, election administration was uneven on election day. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures. The areas of most concern witnessed by OSCE/ODIHR observers included the poor quality of the voter lists, which often were outdated or inaccurate; mistakes in registration; 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. Twelve criminal cases related to parliamentary election fraud, involving 16 persons, remain under investigation by the Prosecutor General's office at year's end.

In the May parliamentary elections, many observers witnessed soldiers closely supervised by their commanding officers and left alone for a few minutes to cast ballots; in some cases, soldiers were instructed to vote for the Unity Alliance. In addition press reports and a number of election observers noted that supporters of many candidates offered both monetary and other inducements to voters to encourage votes for their candidate.

In the October municipal elections, the three major problems were: the politicization of election commissions, obsolete or incorrect voter lists, and the use of old seals (the election law mandates that new ones be provided by regional election commissions for each election, as a check on ballot box stuffing), presumably because the funds were lacking to buy new seals.

Four districts of Yerevan held local by-elections on July 11. In the Achapniak district, violence erupted when armed supporters of one of the candidates beat and fired upon supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was launched, which resulted in the arrest of 14 persons; the police still are seeking 10 more persons allegedly involved in the Achapniak violence. Those arrested are being prosecuted, but at year's end, the accused were free on bail and were not brought to trial due to continuances requested by their attorneys. The by-election in Achapniak was rescheduled 6 weeks later. Neither of the candidates whose followers were involved in the original violence ran in the rescheduled election, although they were not barred from doing so. The election took place without incident.

Further improvements were made to the electoral framework and election administration for the October 24 municipal elections of community mayors and councils of elders. Candidate proxies, media, domestic observers, and international observers were entitled to monitor all stages of the election process; however, international observers did not monitor all stages. Shortly before the election, an amendment addressing procedures for military personnel to participate in municipal elections was passed, restricting military voting to the place of the soldier's permanent residence. This amendment, in practice, prevents a majority of the military from voting, as many soldiers are stationed far from their permanent residences and cannot obtain leave to return home to vote.

On October 16, the Constitutional Court struck down the Law on Local Self-government and the Law on Refugees, which prohibited refugees with permanent residence ("propiska") in Armenia from participating in municipal elections, concluding that they were in conflict with the Constitution and provisions of the electoral code. The Constitutional Court decision gave refugees with permanent residence the right to vote in such municipal elections. Nevertheless, by presidential decree, municipal elections were

postponed in communities where refugees make up more than 50 percent of the population.

Mayors and other community heads, in conjunction with relevant authorities, updated and significantly improved the voter lists before the October 24 municipal elections. As a result, the number of citizens appealing for inclusion on voter lists in the Court of First Instance was reduced significantly. Council of Europe observers described the October 24 election as free and fair; however, the observers noted several minor irregularities, including use of previously used seals (the law provides that new ones should be provided for each election as a check on ballot box stuffing) and defects in the voter lists. However, according to Radio Free Europe/Radio Liberty and the newspaper Haykakan Zhamanak, few parties fielded candidates in the elections other than the two progovernment coalition parties. The nonpartisan, professionally trained Armenian election observers from "It's Your Choice" highlighted serious flaws in the distribution of power within election commissions, and inaccurate voting lists, noting that "many voters whose names were not on the lists, out of weariness and frustration, did not appeal to the court and thus could not exercise their constitutional right." This group's election report suggests that there were only serious multiparty contests in less than one-third of the precincts.

The Government recently confirmed its decision to postpone a national census until 2001 for budgetary reasons. This has raised political concerns about the integrity of the process that is to create new electoral districts, since existing voter rolls and other population records are in some areas out-of-date and seriously flawed.

Under the Constitution, the President appoints the Prime Minister and makes the final selection of qualified candidates for judgeships. 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) 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.

In compliance with the Constitution, the newly elected National Assembly operates as a full-time Parliament. It consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district-by-district majority 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 press 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. Following the deaths of the speaker and his two deputies in the October 27 terrorist attack, the National Assembly elected a new speaker and deputies on November 2 according to established constitutional procedures.

There are no legal restrictions on the participation of women and minorities in government and politics; however, due to traditional social attitudes, both groups are underrepresented in all branches of government. There are no female cabinet ministers. Only 4 of the 131 deputies in the Parliament are women. There are no minority representatives in the Cabinet or in the Parliament.

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

There are several human rights NGO's that are active and operate openly, criticize abuses publicly, and publish their findings on government human rights violations. In general public access to information on human rights cases usually is adequate, with extensive media coverage of significant court cases, and more openness by civilian and military prosecutors. During the year, one domestic human rights group, the Armenia Helsinki Association for the first time was allowed to visit death row and talk with convicts

sentenced to death.

In February a Ministry of Defense official warned a member of an organization dealing with conscripts to desist from cooperating with international human rights organizations. In March Mikael Danielyan, chair of the Armenia Helsinki Association, was accused of making unfounded accusations after he complained about the refusal of the Ministry of Internal Affairs to grant access to pretrial detention facilities for monitoring; Danielyan had submitted written requests and made repeated attempts to gain access for over a year.

An office created by the Prosecutor General in July 1997 to communicate with international observers was responsive to requests for information, although information about criminal cases stemming from elections remained relatively general and incomplete. International observers requesting information on election-related complaints received more precise and detailed information on their resolution.

In 1998 President Kocharian appointed a prominent opposition politician 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 getting authorities to review official actions on social issues ranging from apartment allocations to police behavior, in some cases winning official reconsideration. It refers such cases to the appropriate agency, but it does not follow up on specific issues.

The Government has permitted monitoring of human rights by the Council of Europe and by the ICRC, which retains full access to civilian detention facilities.

The Government invited an OSCE/ODIHR election observer mission to observe the May parliamentary elections, and provided domestic and international observers with unimpeded countrywide access to both the May and October elections (see Section 3). Current electoral law allows local observer organizations to monitor parliamentary but not presidential elections, and such local organizations reported no impediments to election observation during the year.

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 few cases of rape, spousal abuse, or other violence against women were reported; however, their number is likely higher than the statistics indicate. Domestic violence cases usually are not reported to the police, and women are not protected from it. There is at least one nongovernmental organization that provides shelter and assistance to battered women; it is located in the Gyumri area, but embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify. Even womens' groups and health professionals decline to offer specific figures, but do not indicate that such violence is especially common.

In the first 11 months of the year, the Prosecutor's Office registered 18 cases of rape. The Prosecutor General's Office also reported nine attempted murders against women involving serious injuries. The law (the old Soviet Criminal Code) cites specific punishments for rape, forced abortion, forbidding a woman from marrying, and discrimination in hiring due to pregnancy.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped

by police for street-walking are simply sent to a hospital or physician for a medical check-up. Armenian women work as prostitutes in the Middle East, and there have been reports of trafficking in women and girls in the past, but there were no reports during the year (see Section 6.f.).

Males often play a dominant role in many societal institutions. 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 1972 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. Formerly, labor unions protected women's rights in the workplace at least nominally, but the current weakness of unions (see Section 6.a.) likely has rendered them even less effective in this role. According to official statistics, women make up 65 percent of those officially registered as unemployed. Currently there are more women receiving university and postgraduate education than men. This statistic may be accounted for in part by the Nagorno-Karabakh situation, which necessitates a high number of males in military service, and in part by the economic situation, which has caused males 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 16, but many facilities are impoverished and in poor condition, and teachers are forced to tutor pupils privately to supplement salaries that are low and irregularly paid. 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 treatment of some diseases and for emergency cases, but it is often of poor quality, with an increasing trend toward overt or concealed payment of fees for service.

Girls and boys receive equal educational opportunities. The Government focuses 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 current difficult circumstances. The Government similarly directs foreign humanitarian aid programs toward larger families. Despite social programs, the problem of street children remains significant. However, the family tradition remains strong, and child abuse does not appear to be a serious problem.

People with Disabilities

The Constitution provides for the 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. During the year, expenditures for the health sector were cut by approximately \$4.8 million (2.6 billion drams) from the projected level, which affected the disabled, who are supposed to be treated free. According to the former Minister of Social Security, the social sector budget also is being cut by approximately \$550,000 (300 million drams). In the current economic circumstances and in an effort to meet international financial institution guidelines on reduction of the budget deficit, the Government has had difficulty fulfilling its commitments in this area.

The Government's enforcement of the rights of the disabled remains rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. There is societal discrimination against the disabled. Hospitals, residential care, and other facilities for the seriously disabled do not meet international norms. A local human rights group alleges that there are cases in which security authorities use confinement in mental institutions as an alternative form of detention.

Religious Minorities

There was no reported violence against minority religious groups. However, newer religious groups are viewed with suspicion, especially by some clergy in the Armenian Apostolic Church and their supporters in the bureaucracy.

A relatively high percentage of members of some religious minorities, particularly Hare Khrishnas but evangelical Christians as well, joined the wave of emigration from the country, for social, economic, and philosophical reasons. Despite the Government's previous pledge to apprehend alleged members of the Yerkrapah Union political faction who staged a series of destructive attacks against a dozen religious groups in 1995, the authorities still had taken no steps to bring the perpetrators to justice.

National/Racial/Ethnic Minorities

The population is around 94 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. Groups that the Government includes in this category are Russians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. As a result of the protracted 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 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 dwindled 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 available in their mother tongues. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination by ethnic Armenian students and teachers.

Yezidi leaders continued to complain that police and local authorities subject their community to discrimination. The Yezidis, whose number is estimated at 60,000 by Yezidi leaders, speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. They cite 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; and lack of police response to even serious crimes committed against Yezidis. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local government bodies. The Yezidi leaders met in July 1998 with the President's human rights commission with which and received an affirmation that the Government would improve the situation; however, the Government took no action during the year.

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 little confidence in this protection. In practice labor organization remains weak due to high unemployment and the weak economy. Workers have neither the financial resources to maintain a strike nor enforceable legal protection against retaliation,

and existing unions play a relatively passive role. However, there were no reports of retaliation against strikers or labor leaders. The purportedly independent labor federation created in December 1997 continues in operation, but took no action during the year.

The absence of real unions and of accurate employment data precludes a reliable estimate of the percentage of the work force that is unionized.

Unions are free to affiliate with international organizations, but none did so during the year.

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. The Arbitration Commission adjudicates wage and other labor disputes.

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 that by children, and it generally is not known to occur. There were reports of trafficking in women and girls in the past; however, there were no such reports during the year (see Section 6.f.). This provision is enforced by the local community councils, unemployment offices, and, as a final board of appeal, the Arbitration Commission.

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

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 local community councils, unemployment offices, and, as a final board of appeal, the Arbitration Commission. Forced or bonded labor by children is prohibited, and it is not known to occur.

e. Acceptable Conditions of Work

The Government sets the minimum wage by decree. In October 1998, Parliament quintupled the national minimum wage to less than \$10 (5,000 drams) per month; however, the minimum wage is insufficient to provide a decent standard of living for a worker and family. The majority of the population lives below the officially recognized poverty line as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 earthquake, the conflict in Nagorno-Karabakh and the resulting blockade by Azerbaijan and Turkey, and disruptions in trade. However, a significant amount of economic activity takes place unrecorded and untaxed by local authorities. The extent to which this improves the overall economic situation is unknown.

The majority of industrial enterprises are either idle or operating at a fraction of their capacity. Some furloughed workers still are 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 40 hours; many persons 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 reluctant to complain about hazardous working conditions due to the risk of losing their jobs.

Trafficking in Persons

The legal code does not prohibit specifically trafficking in persons, although it does prohibit exploitation by force of persons for financial gain. The Criminal Code specifically prohibits the keeping of what are generally considered to be brothels. Armenian women work as prostitutes in the Middle East, and there have been reports of trafficking in women and girls in the past. There are reports that older girls in a local orphanage were approached with offers to engage in prostitution, either locally or abroad. The Criminal Code does not forbid prostitution. The 10 cases of trafficking in women or procuring currently in court are being prosecuted under the Criminal Code prohibition on brothels.

[end of document]

[Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)