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Armenia

Country Reports on Human Rights Practices -2000

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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-Petrosian was forced to resign by his former political allies in the Government and Parliament. There were 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. These irregularities inflated the number of votes for Kocharian. Nonetheless, the 1998 elections, the May 1999 Parliamentary and October 1999 municipal elections, and several 2000 by-elections showed continued improvement over past elections with respect to voting practice and vote-counting, as well as the ability of a pluralistic group of candidates to campaign freely. Although irregularities marred both the parliamentary and local elections in 1999, OSCE observers categorized the former as a relevant step toward compliance with OSCE commitments, but stated that they still failed to meet international standards, with problems in many precincts such as 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 1999 municipal elections and by-elections in 2000 also were flawed by poor voter lists and by disappearance or non-distribution of unmarked ballots. 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 majority, made up of a coalition called Unity, includes the two largest parties, the Republican Party and the Peoples' Party. Unity is assisted by a group of loosely organized independents who call themselves the Stability Bloc. This Bloc split in December with a minority faction renaming itself the "Democrats." Some deputies from Unity left the group during the year over policy differences and formed a bloc called Hayastan, which opposes the Government on some issues, and reduced but not eliminated Unity's majority. 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, judges are subject to pressure from the executive branch and corruption.

The Ministries of Internal Affairs and of National Security, formerly one ministry which split in 1999, 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 peak 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 12.1 percent according to the Government; however, other services estimate the unemployment rate to be 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. All landowners now have received titles to their land, which are protected by the Constitution. The passage of a bill establishing a strict and transparent system for bidding on privatization of the electrical distribution network in August, was seen as a major step forward in establishing a system for fair and transparent privatization of state enterprises. Out-migration remains a serious problem. The gross domestic product (GDP) increased about 2.5 percent, to about \$600 per capita. Inflation fell to below 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 have gone to look for work, cut deeply into the flow of remittances. The Government is working to resolve its current budget deficit through increasing the tax collection rate, as well as by continuing cuts in most areas of government spending.

The Government's human rights record was poor in several important areas, and although there were improvements in a few areas, problems persist in numerous areas. Substantial intervention by local power structures in the election process continues to restrict citizens' ability to change their Government peacefully. There were no reports that members of the security forces committed extrajudicial killings due to severe beatings and mistreatment in detention. However, there were no reports of government action against individuals who may have been responsible for the reported 54 deaths in custody in 1999. Members of the security forces 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 did improve; however, they still are harsh and life-threatening. Lengthy pretrial detention is a

problem. During the year, parliamentary commissions were allowed to visit military camps and hear complaints about abuses from recruits. 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 41 Jehovah's Witnesses are in jail for refusing military service. The Government places some restrictions on freedom of movement. Discrimination against women, the disabled, and minorities remains a problem. The plight of street children is a significant problem. Trafficking in women and girls also is a problem.

After President Kocharian's election in 1998, a number of commissions were established, and a constitutional referendum was proposed, with the goal of improving human rights and reforming the judiciary. By year's end, none of the proposed recommendations had been implemented, and no referendum had been held.

In October 1999, five terrorists entered the National Assembly and killed the Prime Minister, the Speaker of the National Assembly, six other deputies or members of the Government, and wounded at least five more persons. An investigation of the killings, conducted by the Deputy Prosecutor General, resulted in the detention of 19 persons, including a deputy of the National Assembly, the then presidential chief of staff, and the deputy chief of state television. Five persons subsequently were released after spending several months in jail when evidence proved insufficient to charge them. Another detainee died in prison in September, apparently of accidental electrocution. The trial of the remaining accused was scheduled to begin in late October but was postponed at the request of defense attorneys and is scheduled to begin in February 2001.

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. The Government took no action by year's end regarding 54 cases of deaths in custody in 1999, which the International Helsinki Federation had asked it to investigate. The cases of Stepan Gevorgian and Arsen Stepanian were closed during the year due to lack of evidence.

There were a significant number of deaths of military servicemen reportedly due to mistreatment and training related accidents (see Section 1.c.).

According to an August announcement by the prosecutor general's office, in 1999 there were 54 deaths in custody due to beatings and mistreatment in detention. No information on such incidents were available by year's end. Norayr Yeghiazarian, a detainee awaiting trial in connection with the October 1999 shootings in Parliament (see below), was found dead in his cell in September. The Ministry of National Security announced, and other prisoners in his cell confirmed, that he was accidentally electrocuted through improper handling of an electrical appliance.

Prison conditions are harsh and life-threatening, and medical treatment is inadequate. There were a number of deaths in prison due to disease (see Section 1.c.). The International Committee of the Red Cross (ICRC) signed an agreement with the Government in June to open a tuberculosis facility for inmates.

Former Minister of Interior and Mayor of Yerevan Vano Siradeghian was charged with 10 counts of murder and plotting to commit murder and his trial began on January 10. On April 1, the National Assembly voted to strip Siradeghian, a National Assembly deputy, of his parliamentary immunity. Siradeghian disappeared on April 3 and is believed to have fled the country. In a court case related to Siradeghian, an armed gang led by Armen Ter-Sahakian went on trial in May. All of the gang members were former Interior Ministry employees and confessed to various misdeeds prior to the trial. In their confessions, the nine accused, claimed to have been members of a hit squad that carried out several murders on Siradeghian's orders, including the murder of Armenian Railroads Director Hambartsum Ghandilian, Ashtarak district executive committee chairman Hovhannes Sukiasian, and the attempted murder of Vladimir Grigorian, Head of the Prosecutor General's investigative department. They also confessed to extortion, robbery, and illegal possession of weapons. All were found guilty in August. Ter-Sahakian and Alik Grigoryan were sentenced to death, while the remaining six accused received prison terms from 4 to 11 years. The death penalty currently is in abeyance and is expected to be abolished soon, in such a case it is expected that the two death sentences would be commuted to lengthy imprisonment.

Another court case related to Siradeghian involved the trial of a group of 11 persons led by Vahan Harutyunian, former Deputy Minister of Interior and ex-Commander of Internal Troops. All of 11 were found guilty of murder, attempted murder, abuse of power, and complicity in murder. The prison terms for six of them varied from 6 to 15 years, while five subsequently were released under the terms of two amnesties passed by the National Assembly in 1997 and 1998. Several of those convicted announced that they would appeal.

On October 27, 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. According to reported statements by the gunmen both before and after they surrendered to security forces, their motives appeared to be both political and personal.

The Deputy Prosecutor General (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 under legal provisions permitting the detention of criminal suspects whether or not they had been accused legally. 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. Gagik Jahangiran, the military prosecutor investigating the case, repeatedly rejected calls for the creation of a special Parliamentary investigation to ensure an impartial investigation. During the year, 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 them. One detainee was released on bail for health reasons, and another prisoner was found dead in his cell in September (see above). The trials of the 13 accused are scheduled to begin in February 2001 due to requests by the attorneys for the accused that they have time to evaluate the evidence.

No progress was announced in the investigation of the December 1998 killing of Deputy Minister of Defense Vahram Khorkhoruni. In September 1999, the death of Deputy Minister of Interior and National Security and Head of Internal Troops Artsrun Margarian, who was found shot in February 1999, officially was ruled a suicide. In March a guilty verdict was reached in the case of Dr. Hrant Papikian, who was held in connection with an alleged previous attack on Margarian; Papikian appealed to the Court of Cassation, which reduced his sentence to 10 months; and since he already had served that amount of time, he was released on March 22.

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

b. Disappearance

There were no reports of politically motivated disappearances.

In July the Government unilaterally released five Azeri prisoners of war (POW's) under OSCE/ICRC auspices; Azerbaijan reciprocated by unilaterally releasing two Armenian POW's. In August Armenia released another recently captured POW, and announced that it now held only one Azeri soldier, who did not wish to be repatriated (which the OSCE verified), and one Azeri civilian, who was believed to be a criminal fleeing Azeri police.

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

The Constitution and laws 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, due to fear of police retribution. Impunity remains a problem.

In 1999, there were 54 cases of death in custody due to beatings and other abuse (see Section 1.a.).

Attorneys for the 19 detainees held in the October 1999 killings in Parliament claimed in the media that the accused were being held in inhuman conditions and were beaten during interrogations. Representatives of the government-appointed 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 into confessions. The Commission reported no obvious evidence of physical abuse. A parliamentary commission was allowed to see imprisoned Deputy Mushegh Movsesian and confirmed that he showed signs of having been abused physically. The four detainees released in mid-year told media that they had been mistreated. Former presidential Chief of Staff Alexan Harutyunian said that as part of his release agreements, he had promised not to talk to the media about the details of his case.

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 18 percent compared with 1999, according to government figures. While this number cannot be verified, based on information from a human rights group, the figure of 16 to 20 noncombat deaths per month from all causes 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 he subsequently died. The case currently is pending in the Echmiatsin regional court. There are no separate military courts (see Section 1.e.). Military cases, many of which are settled administratively, that do go to trial in civilian courts are handled by the military prosecutor's office.

The Ministry of Defense cites reasons of "national security" in declining to provide exact details on some cases, citing the fact that the country remains technically in a state of war with Azerbaijan.

During the year members of the Yezidi ethnic-religious minority continued to complain that "hazing" and beating of conscripts, common throughout the former Soviet Union, especially are severe for Yezidi conscripts (see Section 5). In July parents of recruits killed or injured during the training process held demonstrations for several days near the presidential palace and met with officials of the presidency (but not with the President himself) to discuss their complaints.

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

Homosexuals complain that police physically and mentally abuse them, especially if they have no means to pay police extortion. Persons accused of homosexuality in the military generally are believed to suffer beatings and other physical abuse above and beyond that inflicted on other recruits.

There were unsubstantiated reports that security authorities confine persons in mental institutions as a form of detention (see Section 1.d.).

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, in principle, an agreement has been reached to transfer responsibility for prisons from the Ministry of Internal Affairs to the Ministry of Justice with a goal of improved oversight, no formal action to that effect was taken by year's end. Physical abuse by guards and other prisoners is a problem. In August the Prosecutor General's office announced that 54 prisoners had died in prison of in 1999, the highest count for any year since independence in 1991. The Government's Human Rights Commission visited the main prison in Gyumri in October and reported that it found conditions there to be "shocking" with the prison filthy, cold, and in poor repair. Officials 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.

According to his lawyer, the Ministry of Internal Affairs staff continued to physically abuse former Minister of Education Ashot Bleyan while he awaited trial on corruption charges (see Section 1.d.). While Bleyan's appeal that his case be dropped was refused, in July the Presidential Human Rights Commission recommended that Bleyan be detained under more humane conditions.

The 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. The ICRC also had free and regular access to remaining POW's from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security and in military police stations. The ICRC also had access to POW's in Nagorno-Karabakh. In July and August, Armenia and Azerbaijan exchanged POW's under OSCE and ICRC auspices (see Section 1.b.).

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 imprisoned detainees without notification of their family members. Often several days pass before family members obtain information about an arrest 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 investigation of the October 1999 shootings, five persons were arrested and held for a period of approximately 5 months in the Ministry of National Security's special detainment facilities. They then were released and charges against them were dropped (see Section 1.a.).

The Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in relation with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that this contact was insufficient and restricted. However, requests by a local human rights monitoring group to visit the men to check allegations of physical and mental abuse against the prisoners were denied.

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 1999. Although the Criminal Procedure Code entered into force, the Criminal Code remains 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. There is no provision for bail, although detainees may sign a document and remain at liberty under their own recognizance pending trial.

Former Education Minister Ashot Bleyan was held by law enforcement officials for several months after being charged in 1999 with embezzlement of public funds intended for the purchase of textbooks (see Section 1.c.). Bleyan's lawyer charged, both in 1999 and during the year, that his client has been abused physically and kept

in harsh conditions in an attempt to force a confession. Bleyan's July appeal to have his case dropped was denied, but the Presidential Commission on Human Rights recommended in July that his conditions of imprisonment be eased. After an 8 month trial, Bleyan was sentenced to 8 years in prison in October for embezzlement of state property. Bleyan has claimed that the charges against him were fabricated for political reasons (see Section 1.e.).

On October 30, Arkady Vardanyan a Moscow-based Armenian businessmen 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, Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 2.b.). After 11 days, Vardanyan was not released; however, one of his attorneys that was arrested with him was released. The Prosecutor General's office announced that Vardanyan was being charged with seeking and advocating the overthrow of the Government by violence. A trial date has not been set. Russian consular officers are allowed access to Vardanyan in prison in order to ensure that his rights are respected.

At year's end, 41 Jehovah's Witnesses were in detention for refusal to serve in the military services (see Section 2.c.).

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 has made unsubstantiated allegations 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 still occasionally may engage in cross-border hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for financial gain. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges, most recently in August, but has no access to undeclared hostages.

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 insulate the courts fully 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. Though legislation passed in 1998 reduced significantly prosecutor's supervision of civil cases, 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, unless they are found guilty of malfeasance.

The 1995 Constitution required a new three-level court system. The highest court, the Court of Cassation, began functioning in the summer of 1998. Judges for the two lower-level courts, the appellate court and courts of the first instance, began functioning in January 1999. 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. Due to these limitations, the Constitutional Court cannot ensure effectively constitutional human rights safeguards.

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 in 1999 had been judges under the old structure. Based on the results of this 4-stage selection, 123 judges were appointed to the new courts in January 1999. 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, in 1999 both prosecutors and defense counsels began a process of retraining and recertification in order to retain their positions, which still is occurring.

A proposed 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. The new draft Criminal Code consists of general and special parts; the general part passed second reading in Parliament in November 1997, but the special part, presented for a second reading in November 1998, failed to obtain a quorum and had not been reconsidered by year's end. Two other new codes, the Civil Code and the Criminal Procedures Code, were passed in the summer of 1998.

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.

Under the proposed new judicial code, prosecutors are expected to continue to have more influence than judges do.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, reportedly is working on measures to increase judicial independence that are critical to the success of judicial reform. In July the President discharged by decree old members and appointed new members to the commission. Such constitutional revisions must pass both Parliament and a national referendum.

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; pending the passage of the 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. In November 1999, the military prosecutor was named deputy prosecutor general and placed in charge of the investigation into the October 1999 shootings in Parliament.

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; however, supporters of both Ashot Bleyan and Arkady Vardanyan claimed that the two were political prisoners. Bleyan was imprisoned on charges of embezzlement, and Vardanyan was detained on charges of attempting to overthrow the Government by force.

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. 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 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 warrant issuance due to lack of evidence in several cases; however, in practice there were charges that searches continued to be made without a warrant, both in regard to the October 1999 killings in parliament and in the arrest of Arkady Vardanyan (see Section 2.b.). 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, 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. There were no reported cases of punitive conscription of males who offended local officials. Sweep operations for draft-age men have ceased to be carried out, although police sometimes maintain 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 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, most journalists practice self-censorship, particularly in reporting on major corruption or national security issues. Journalists remain cautious in their reporting, and the range of subjects the Government considers sensitive for national security reasons is relatively large. Some members of the press, but not all, have access to army facilities and places of detention. Even in cases where they do have such access, permission for media to visit

them involves a prolonged and cumbersome bureaucratic process.

Newspapers, with the exception of Hayastani Hanrapetutyun (a joint venture between Parliament and its staff) and Respublika Armenia (which ceased publication in June), are privately owned. The state printing house and distribution agency both now function as commercial enterprises, with no visible government intervention.

The editor of the sensationalist political tabloid Oragir and its successor Haykakan Zhamanak, Nikol Pashinian, was found guilty in 1999 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 judgement and did not pay the fine; other Armenian journalists, who up to then had been largely nonsupportive of his case, passed a resolution denouncing the punishment as unduly harsh and for several weeks rallied almost daily in front of the President's office demanding a more lenient sentence. In January Pashinian's sentence was reduced to a 1-year suspended sentence by an appeals judge who said the original sentence in fact was too harsh.

No legal actions were announced during the year regarding the beatings of the Haykakan Zhamanak staff on December 23, 1999. The offices of Haykakan Zhamanak were invaded by approximately a dozen men who beat and kicked Pashinian and other male members of the staff. The gang reportedly was 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. No legal action was taken in the case of arson at the Yerevan office of the Russian newspaper Novoye Vremya in December 1999. A police investigation was unable to reach any conclusions, and the case was closed during the year.

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, total newspaper circulation is small (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.

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 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, has not been active during the past 3 years.

There were no complaints of official government pressure on independent news media; however, the President's office continued to influence state television news coverage significantly. In March opposition parties demanded that the President remove the Chief of State Television for allegedly slanting coverage of the investigation into the October 1999 attack on Parliament, but the President's office refused to concur. The most widely available of the two state-owned television channels takes policy guidance from the Government; it presents mostly factual reporting but avoids editorial commentary or criticism of official actions. During 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. 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, and the draft of a new media law passed in Parliament in October was later signed by the President with reservations. While the new media law meets many previously expressed demands by media and human rights groups about assuring freedom of the media, it still contains loopholes that could be used to impose greater control of the media by government bodies. In response to media and the human rights group's concerns about these areas, the President announced that he would submit those chapters of the law to the Constitutional Court so that the possible loopholes could be closed. 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; at the time of this announcement, these stations appealed for the measure's cancellation. After the President's intervention, the overall increase in licensing fees was significantly lowered to five-fold. The few international newspapers and imported magazines 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 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.

b. 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 organizations reported problems with registration during the year. During the period of political turmoil after the October 1999 shootings, several opposition groups held antigovernment demonstrations without government intervention. During the July demonstrations by parents of killed or injured military recruits (see Section 1.c.), three demonstrators were detained for allegedly assaulting a security officer, but were released in a few hours.

On October 30, 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. Some of these persons subsequently marched to the President's office. Prior to the demonstration, Vardanyan was detained at his home, taken for questioning, and later released. Vardanyan's family and lawyers charged that security forces forced their way into the house and ransacked it. After the demonstration, the house again was searched by security forces and Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 1.d.).

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, which was 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 are not registered, were allowed to engage fairly openly in missionary activity.

In 1996 Parliament passed legislation tightening registration requirements by raising the minimum number of members required for registration from 50 to 200 adults. The law banned foreign funding for churches whose centers are outside the country. 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.

One group of Russian "old believers" and some congregations of Yezidis remain unregistered, according to the State Council on Religions, because they do not wish to register; these groups have not complained of religious discrimination.

As of year's end, registered religious groups had reported no adverse consequences from the 1996 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 registered denominations have been reregistered annually except the Hare Krishnas, whose members by 1998 had dropped below even the previous membership threshold of 50.

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" 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."

Forty-one members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. A regional Jehovah's Witnesses official said that this higher number was because Jehovah's Witnesses receiving draft notices now are reporting directly to police and turning themselves in as draft evaders, rather than being inducted and then claiming conscientious objector status. Around 41 members of Jehovah's Witnesses reportedly were in hiding from the draft. Alternative nonmilitary service is not available under current law to members of Jehovah's Witnesses. The President's office stated in March 1999 that a law was being drafted that would regulate alternative service for Jehovah's Witnesses and other conscientious

objectors, but no action has been taken by year's end.

According to the law, 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. Members of Jehovah's Witnesses continue to experience difficulty renting meeting places and report that private individuals who are willing to rent them facilities frequently are 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 overzealous customs officials. Despite these legal obstacles, members of Jehovah's Witnesses continue their missionary work fairly visibly and reported a gain in membership during 1999.

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 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 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 of a nuisance than an impediment. In addition, registration of a residence is a difficult process, particularly for those who live in a rented dwelling.

Since the Nagorno-Karabakh conflict erupted between Armenia and Azerbaijan in 1988, ethnic minorities on both sides have been subject frequently 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 and Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1996 that provides for refugees of Armenian ethnicity to gain citizenship, provided that 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. Although around 25,000 have done so, most are 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 (UNHCR) and other humanitarian organizations in assisting ethnic Armenian refugees.

The refugee law has no provisions in the law 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 in principle, but in the absence of a law specifying procedures for formal recognition of political asylum, the small number of Sudanese and other migrants not of Armenian ethnicity only rarely can obtain residence permits, and their legal status remains unclear.

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. 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 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 1999 parliamentary and municipal elections and several by-elections during the year represented a step toward compliance with OSCE commitments, but failed to meet international standards fully. For example, the May 1999 parliamentary elections showed continued improvement toward compliance with OSCE commitments, but still failed to meet international standards. Nonetheless, during the election observers from the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) categorized the 1999 Parliamentary elections as a relevant step towards compliance with OSCE commitments and noted improvements in the electoral framework and the political environment of association, freedom of assembly, and freedom of expression were respected during the campaign. 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. 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, the authorities never submitted the draft code to ODIHR for comments prior to its adoption as had been promised.

Despite the provisions of the new code, 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 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. Twelve criminal cases related to parliamentary election fraud, involving 16 persons, currently are under investigation by the Prosecutor General's office.

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, resulting in the arrest of 12 persons; the police still are seeking 10 more persons allegedly involved in the Achapniak violence. According to the Prosecutor General's office 12 persons eventually went to prison for the Achapianak disturbances. Of those, 8 were sentenced to 2 years each, while the remaining 4 got probationary terms of 16 to 20 months and were released on probation. The Achapniak by-election subsequently was held again with the two candidates involved in the altercation taken off the ballot and took place without incident.

In the October 1999 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.

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

In Goris where the incumbent mayor had been removed by the provincial governor in June for alleged impropriety in the conduct of his office, the ousted incumbent, who lost the July election, claimed that there were significant irregularities, including ballot-box stuffing. The incumbent appealed the results; however, the appeal was denied in December.

The Government has confirmed that a national census, previously suspended for budgetary reasons, is expected to take place in 2001. There is to be a test census in three regions in early 2001. 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 outdated and seriously flawed throughout the country.

Under the Constitution, the President appoints the Prime Minister and plays a role in 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.

The National Assembly 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 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.

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, although there are several female deputy 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 organizations 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, but there was less openness after the October 1999 shootings by civilian and military prosecutors. However, nongovernmental human rights organizations often report funding difficulties, and at least one, the well-respected Helsinki Association, had to close its offices for part of the year due to lack of funds. The Helsinki Committee continued to operate and did receive permission to have access to detention facilities, and has made several visits.

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 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.

Current electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to being allowed to observe the 1999 elections and this year's by-elections.

In 1998 President Kocharian appointed a prominent opposition politician to head a new human rights commission headed by Paruyr Hairikyan 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 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. During the year, 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 Hovhanissian, has taken on a greater role this year by making 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 few cases of rape, spousal abuse, or other violence against women were reported; however, their number likely is higher than the statistics indicate. Domestic violence cases usually are not reported to the police, and women are not protected from it. Several nongovernmental organizations exist in the Yerevan and Gyumri areas, which provide shelter and assistance to battered women.

During the year, the Prosecutor's Office registered 15 cases of rape. 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, simply are sent to a hospital or physician for a medical check-up. Although, the Criminal Code does not forbid prostitution itself, keeping brothels is prohibited. According to an investigation conducted by journalists, more than 1,600 prostitutes were registered by the police, around 800 in the Yerevan area. A study of Yerevan prostitution done by an international NGO showed that while some operate by telephone, the vast majority are what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operate.

An international NGO reports that the problem of battered wives is much more widespread than the Government or local human rights groups will admit. Domestic violence cases usually are not reported to the police, and women are not protected from it. Many cases are not reported to police in some cases because women are afraid of physical harm if they do so, afraid that police will refuse to take action and instead return them to their husbands, and in others because they are embarrassed to make "family matters" public. Several NGO's in the Yerevan and Gyumri areas provide shelter and assistance to battered women; however, embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify. Even women's groups and health professionals decline to offer specific figures, but do not indicate that such violence is especially common. At least four cases were reported in the press of women who died as a result of

domestic violence. During the year, 13 persons were prosecuted for attempted rape.

In view of the phenomenon of Armenian women working as prostitutes in Russia and the Middle East, it is likely that trafficking in women and girls (particularly from the country) is more of a problem than the Government and women's organizations have recognized openly. Twenty-six cases of trafficking in women or procuring are now in the courts (see Section 6.f.).

Police authorities announced in 1999 that there were numerous cases of organized procuring under investigation, but since the main initiators lived abroad, mostly in the Middle East, police were unable to arrest them.

Males often play a dominant role in many societal institutions. Although women have been present in the work force for several generations, tolerance for broadening gender roles and for any gender behavior is low especially in the 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 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 weakness of unions has rendered them less effective in this role (see Section 6.a.). According to official statistics, women make up 63.8 percent of those officially registered as unemployed (approximately 181,000). Currently there are more women receiving university and postgraduate education than men. This may in part be accounted for 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 14, then optional through age 16 (complete secondary education). However, 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 all children through the age of 8 for treatment of some diseases and for emergency cases, but 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 most socially vulnerable families and single parent families. Despite social programs, the problem of street children remains significant. However, the family tradition is strong, and child abuse does not appear to be a serious problem. Trafficking in girls is a problem (see Sections 6.c. and 6.f.).

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 increased to \$3.2 million (1.7 billion drams) from the projected level, which affected persons with disabilities, who are supposed to be treated free. According to the former Minister of Social Security, the social sector budget was budgeted at \$2.8 million (1.57 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. There were unsubstantiated reports that security authorities used confinement in mental institutions as an alternative form of detention (see Sections 1.c. and 1.d.).

Religious Minorities

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

In April Jehovah's Witnesses returning from a religious service in Yerevan reported being verbally and physically abused by local thugs while police watched but did not intervene. In August 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."

As a result of the Nagorno-Karabakh conflict with Azerbaijan, anti-Muslim feeling persists among the populace, and the few remaining Muslims keep a low profile. There is only one mosque open for prayers.

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. Groups that the Government includes in this category are Russians, 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 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 diminished significantly 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 native tongues. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination from ethnic Armenian 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 54,000 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 (see Section 1.c.), 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.

In March the country's first Congress of National Minorities since 1991 was held. At the conference human rights did not appear to be a major concern. 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 directed 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 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 took no action during the year.

The absence of active unions and of accurate employment data precludes a reliable estimate of the percentage of the workforce that is unionized.

Unions are free to affiliate with international organizations; however, none have done so to date.

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; however, trafficking in women and girls is a problem (see Section 6.f.).

e. 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. 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 waivers in the latter two cases can be applied for by children 16 years or over.

According to the Ministry of Social Welfare some children are involved in family businesses, as well as some other business activities, up to the age of 12 years, in sectors like agriculture where it 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 which is granted only on a case by case basis. Forced or bonded labor by children is prohibited, and it generally is not known to occur; however, trafficking in girls is a problem (see Sections 6.c. and 6.f.).

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, 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 or remove themselves from hazardous working conditions due to the risk of losing their jobs.

f. Trafficking in Persons

The law does not prohibit trafficking in persons specifically, although it does prohibit exploitation by force of persons for financial gain, and trafficking in women and girls from the country is a problem. However, specific information on trafficking is difficult to obtain and there is little information about trafficking within the country. The Criminal Code specifically prohibits the keeping of what generally are considered to be brothels. Prostitution itself is legal. Armenian women work as prostitutes in the Middle East and Russia, and in the past there have been reports of trafficking in women and girls to these countries. It is likely that trafficking in women and girls is more of a problem than the Government and women's organizations have recognized openly. According to international NGO's, the Government appears to be focusing more on prostitution within the country than on trafficking. There were reports that older girls in local orphanages were approached with offers to engage in prostitution, either locally or abroad. 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 Armenia (see Section 5). Cases of trafficking in women currently in court are being prosecuted under the Criminal Code prohibition on brothels.

[End.]

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