

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	232
Land:	Armenien
Kilde:	Freedom House
Titel:	Freedom in the World 2015 – Armenia
Udgivet:	31. marts 2015
Optaget på baggrundsmaterialet:	9. november 2015



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Publisher [Freedom House](#)

Publication Date 31 March 2015

Cite as Freedom House, *Freedom in the World 2015 - Armenia*, 31 March 2015, available at: <http://www.refworld.org/docid/5523d2d070.html> [accessed 22 June 2015]

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.5

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 5

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

OVERVIEW

In October 2014, an ad hoc constitutional committee formed by President Serzh Sargsyan presented a proposal to transform Armenia's presidential system into a parliamentary republic. The political opposition was not in favor of the proposal.

The same month, Sargsyan agreed for Armenia to join the Eurasian Economic Union (EEU), the Russia-led customs union that also includes Belarus and Kazakhstan, amid widespread public disapproval.

Border violence escalated in 2014 in Nagorno-Karabakh, an ethnic Armenian enclave within Azerbaijan's borders and one of the major disputed territories of the post-Soviet space. Both sides reported the highest casualty rate since signing a cease-fire in 1994.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 16 / 40 (+2)

A. Electoral Process: 5 / 12

Armenia is a semipresidential republic with a unicameral National Assembly whose members are elected for five-year terms; 90 seats are determined through proportional representation and 41 through races in single-member districts. The president is elected by popular vote for up to two five-year terms. Although national and local elections have been held regularly since

independence in 1991, the country's electoral system is characterized by a tradition of violations and a deep mistrust of the system among the electorate.

In the most recent parliamentary elections, in 2012, the ruling Republican Party of Armenia (HHK) secured a majority. In 2013, incumbent Sargsyan maintained the presidency. The presidential election in particular highlighted the profound problems in Armenia's electoral system, with a large number of violations and the withdrawal of three main opposition candidates prior to the race.

In October 2014, an ad hoc constitutional committee established by President Sargsyan presented the final draft of a controversial concept for constitutional reform. The committee proposed, among other things, transforming the current political system into a parliamentary republic; drastically reducing the powers of the president in favor of the prime minister; empowering the parliament, rather than voters, to elect the president for a seven-year term without reelection; strengthening local councils; and strengthening the separation and balance of powers. The Venice Commission of the Council of Europe voiced cautious approval of the proposed changes, noting the need for a more concrete design and the inclusion of public input. Critics allege that Sargsyan may use the change to extend his power by becoming prime minister, though in June Sargsyan said that he would not pursue that position in the new system. The government is expected to press ahead with the amendments. Only one opposition party had voiced support for the draft at year's end.

Local elections for mayoral, gubernatorial, and city council seats took place throughout 2014. In a rare electoral upset for Armenia's ruling party, the HHK-nominated candidate lost the race for mayor of Bavra, a village in the traditionally pro-opposition Shirak province, to an independent candidate. Nevertheless, HHK's monopoly on power in Armenia's capital and provinces remained intact. Domestic observers noted the same violations and fundamental problems that have characterized elections since the early 1990s, including ballot stuffing, voter intimidation, and the buying of votes.

In 2011, the government boosted the formal independence of the Central Electoral Commission by entrusting its formation to the country's human rights ombudsman and members of the judiciary. However, the president retains the power to approve appointments, and the commission has exhibited partiality and inadequate responses to complaints. According to the electoral code, women must occupy at least 20 percent of a party's candidate list for the parliament's proportional-representation seats.

B. Political Pluralism and Participation: 7 / 16 (+1)

People have the right to organize political parties in Armenia, but the ruling party's control of administrative resources prevents a level playing field. In recent years, a number of changes have modestly widened the political space. During the 2013 presidential election, for example, parties were more free to campaign, and contenders were more active in their voter outreach and received more balanced media coverage than in the past.

In 2014, four of the five parliamentary opposition parties – the Armenian National Congress (HAK), the Armenian Revolutionary Federation, Prosperous Armenia (BHK), and Heritage – initiated cooperative moves against the incumbent government and its policies. The leaders of the parties, which had never previously united in an effective way, issued a list of 12 largely societal and economic demands to the government in June. The demands drew on a number of issues that had been the focus of public protests in 2013 and 2014, including trade tariff regulations, public transport tariffs, and a contested pension reform plan. The ruling authorities did not meet any of the opposition's demands, and in September the leaders of three of the parties – Heritage, HAK, and BHK – began a series of rallies across Armenia to increase public involvement toward a

change of government; in Yerevan, more than 10,000 demonstrators gathered. Opposition figures also expressed concern about state surveillance in December, when the chief of police admitted to using undercover agents to gather information on their rallies and collaboration. In practice, opposition cooperation is rare, as fundamental differences on policies and legislation prevent united action.

C. Functioning of Government: 4 / 12 (+1)

Corruption is pervasive in Armenia. Bribery and nepotism are reportedly common practice among government officials, who are rarely prosecuted or removed for abuse of office. Corruption is also believed to be a serious problem in law enforcement. A five-year initiative to combat graft, announced in 2008, did not make meaningful headway.

Shortly after taking office in April 2014, Prime Minister Hovik Abrahamyan gave an ultimatum to more than 100 major business owners to stop underreporting earnings by July 1; he later admitted that ending tax fraud in Armenia will take much longer. In May, he said Armenia needed "painful" and far-reaching reforms aimed at decreasing corruption and strengthening the rule of law. Major obstacles include a booming shadow economy and low tax revenues. Lagging economic growth is projected to slow further in the wake of Western sanctions against Russia, Armenia's major trading partner, especially after the implementation of EEU regulations.

State bodies showed signs of growing openness and transparency in 2014. The 2003 law on freedom of information is increasingly utilized; the independent Freedom of Information Center reported both an increase in government responses and a decrease in unfounded rejections to requests. Both the United Nations and domestic organizations have noted gains in government efficiency, transparency, accountability, and citizen access in 2014 thanks to the use of e-governance mechanisms. A similar program, launched in 2012, concluded in 2014 with positive feedback.

Civil Liberties: 30 / 60 (+1)

D. Freedom of Expression and Belief: 9 / 16 (+1)

Despite constitutional guarantees of freedom of expression, limits on press freedom persist. The authorities use informal pressure to maintain control over broadcast outlets, the chief source of news for most Armenians. There are two public television networks and dozens of private channels with varying degrees of national reach. By law, political parties are banned from owning or controlling television channels, though the owners of most channels have close ties to the government, making televised news coverage politicized.

In May, the national prosecutor's office issued a statement that publishing information related to ongoing criminal investigations is a criminal offense; this had a chilling effect on the work of journalists. Nevertheless, the year included notable victories for independent media. A draft law that proposed holding media outlets responsible for false or libelous information found in reproduced content or user comments was dropped from parliamentary discussion. Online media not only continued to grow in number and plurality but also gained audience share at the expense of traditional media. Online news outlets enjoy far greater editorial, financial, and administrative independence.

Although libel was decriminalized in 2010, the civil offense of "defamation and insult" persists as a political weapon against traditional media. In the first half of 2014, eight defamation suits were filed against journalists, down from 16 in the first half of 2013. Violence against journalists remains a problem as well; the Committee to Protect Freedom of Expression, an Armenian

nongovernmental organization (NGO), reported seven physical attacks against journalists in the first nine months of 2014.

Freedom of religion is generally respected, but the Armenian Apostolic Church maintains a privileged role. Members of minority faiths – especially Jehovah's Witnesses and Yezidis – sometimes face societal discrimination.

The government generally respects academic freedom, although politically motivated firings of educators have been recorded in the past. Private discussion is relatively free and vibrant.

E. Associational and Organizational Rights: 6 / 12

The Law on Freedom of Assembly, amended in 2011, guarantees the right to peaceful assembly. In practice, authorities interfere with the right of citizens to assemble, often by denying authorization, dispersing demonstrations, or physically attacking participants. In January and March 2014, police clashed with activists protesting against a new pension system that requires individuals under the age of 40 to pay a percentage of their gross earnings into funds controlled by the government and central bank. In April, the Constitutional Court ruled the system, which had also sparked protests in 2013, unconstitutional. The government responded by limiting the scope of the reform to public-sector employees, with those working in the private sector receiving a three-year waiver, but the issue of pension reform remained a grievance for both civil society and the opposition troika of Heritage, HAK, and BHK.

The troika's nationwide rallies were held in September and October 2014 without interference from the authorities. Although the mayor of Ararat denied the parties authorization for a gathering, the party leaders proceeded as planned and faced no undue interference.

The Law on Public Organizations and the Law on Foundations set cumbersome registration requirements for civil society organizations. Approximately 4,000 NGOs are registered with the Ministry of Justice, though many are not operational because of a lack of funding or capacity. The government provides financial assistance to certain organizations from the state budget, but research conducted by the Yerevan Center for Freedom of Information suggests that some of these organizations are completely inactive, raising the possibility that their purpose is to launder money.

While the constitution provides for the right to form and join trade unions, labor organizations are weak and relatively inactive.

F. Rule of Law: 6 / 16

The judiciary suffers from a lack of independence and transparency. Other problems include prosecutorial bias, arbitrary rulings, extensive use of pretrial detention, and artificially low acquittal rates. In 2013, thanks to a Judicial Reform Project implemented by the World Bank, Armenia increased the speed of processing cases at first instance courts and improved judicial infrastructure, including renovating courthouses, building new facilities for the Forensic Center and the Academy of Justice, and implementing new information communications technologies. The Justice Sector Reforms for 2012-16, a far-reaching reform initiative, showed little headway in 2014 toward the objectives of improving civil and criminal legislation and enhancing the independence and functioning of the judiciary and the prosecutor's office. The UN Commissioner for Human Rights highlighted judicial corruption and inefficiency during his October 2014 visit to Armenia, emphasizing the low public trust (25 percent) in this branch of government.

Pervasive police misconduct includes arbitrary arrests without warrants, beatings during arrest and interrogation, and the use of torture to extract confessions. Prison conditions, especially health and

sanitation standards, are poor. In 2012, the government launched a four-year prison reform plan that envisions the adoption of a new criminal code and the introduction of inmate rehabilitation and suspended sentences. Two similar programs, launched in 2013 and 2014 with the help of the Council of Europe and the UN Democracy Fund, respectively, aim to bring the country's penitentiary system closer to European standards and to counter overcrowding with noncustodial and early release programs.

Although members of Armenia's small ethnic minority population rarely report cases of overt discrimination, they have complained about difficulties in receiving education in their native languages. Members of the Yezidi community have sometimes reported discrimination by police and local authorities.

Homosexuality was decriminalized in 2003. In practice, the LGBT (lesbian, gay, bisexual, and transgender) community faces persecution and harassment, with attackers enjoying blanket impunity. In August 2013, law enforcement supported a bill that would ban all "nontraditional sexual relationships." The bill was withdrawn the same month after human rights groups criticized the proposal, likening it to anti-LGBT laws recently passed in Russia. Although a number of NGOs advocate for LGBT rights with public campaigns and appeals to officials, the government is generally unresponsive.

G. Personal Autonomy and Individual Rights: 9 / 16

The government does not obstruct freedom of travel or choice of residence or employment. However, Armenia's education system suffers from widespread corruption. Both educators and administrators perpetuate a system of bribes for admission to institutions of higher education and for passing marks on state examinations.

Citizens have the right to own private property and establish businesses, but an inefficient and corrupt court system, along with the dominance of government-friendly oligarchs and business cliques in key industries, hinders such activities. Illegal expropriation of private property by the state remains a problem.

There were no female candidates in the presidential election in 2013, and women hold only 14 of the 131 seats (10.7 percent) in the National Assembly. Domestic violence and trafficking in women and girls for the purpose of prostitution are serious problems. In 2014, a coalition of NGOs, pointing out an alarming rise in murder and assault by husbands, began redrafting a bill on domestic violence that the parliament had previously rejected.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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