

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                   |
|---------------------------------|-----------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>246</b>                                                                        |
| Land:                           | Armenien                                                                          |
| Kilde:                          | Udlændingestyrelsen                                                               |
| Titel:                          | Armenia, Report from a Fact Finding Mission to Yerevan – 3 April to 15 April 2016 |
| Udgivet:                        | 21. september 2016                                                                |
| Optaget på baggrundsmaterialet: | 27. september 2016                                                                |

3/2016



**Ministry of Immigration,  
Integration and Housing**

The Danish  
Immigration Service

## **Armenia**

### ***State Actors, Political Situation, Vulnerable Groups and Citizenship***

**Report from a Fact Finding Mission to Yerevan, Armenia**

**3 April to 15 April 2016**

*Copenhagen, September 2016*

**Danish Immigration Service**

*Ryesgade 53*

*2100 Copenhagen Ø*

*Phone: 00 45 35 36 66 00*

*Web: [www.newtodenmark.dk](http://www.newtodenmark.dk)*

*E-mail: [us@us.dk](mailto:us@us.dk)*

## Content

|                                                      |           |
|------------------------------------------------------|-----------|
| <b>Abbreviations .....</b>                           | <b>5</b>  |
| <b>Disclaimer.....</b>                               | <b>6</b>  |
| <b>Introduction.....</b>                             | <b>7</b>  |
| <b>Executive Summary.....</b>                        | <b>9</b>  |
| <b>1. STATE ACTORS.....</b>                          | <b>10</b> |
| 1.1. The National Police of Armenia .....            | 10        |
| 1.1.1. Citizens' Access to the Police.....           | 10        |
| 1.1.2. Capacity and conduct of the police .....      | 11        |
| 1.1.3. Corruption and Integrity.....                 | 13        |
| 1.2. Special Investigation Service .....             | 14        |
| 1.2.1. Citizens' Access.....                         | 14        |
| 1.2.2. Resources.....                                | 14        |
| 1.2.3. Independence and Integrity .....              | 15        |
| 1.3. The Legal System .....                          | 15        |
| 1.3.1. Citizens' Access to file a case.....          | 16        |
| 1.3.2. Resources.....                                | 17        |
| 1.3.3. Integrity and Independence .....              | 18        |
| <b>1.4. Independent Complaint/Appeal Bodies.....</b> | <b>20</b> |
| 1.4.1. Human Rights Defender (Ombudsman) .....       | 20        |
| 1.4.1.1. Citizens' Access.....                       | 20        |
| 1.4.1.2. Resources.....                              | 21        |
| 1.4.1.3. Independence and Impact.....                | 22        |
| 1.4.2. The Constitutional Court .....                | 23        |
| 1.4.2.1. Citizens' access .....                      | 23        |
| 1.4.2.2. Resources.....                              | 24        |
| 1.4.2.3. Integrity and Impact .....                  | 24        |
| <b>2. Political Situation .....</b>                  | <b>26</b> |
| 2.1 Major political parties.....                     | 26        |

## Armenia: State actors, political situation vulnerable groups and citizenship

---

|                                                                                                                                                             |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 2.1.1. Opposition .....                                                                                                                                     | 26         |
| 2.1.2. Activists.....                                                                                                                                       | 28         |
| 2.1.3. Under which conditions does the opposition work?.....                                                                                                | 29         |
| 2.2 Freedom of Assembly .....                                                                                                                               | 31         |
| 2.3 Freedom of Speech.....                                                                                                                                  | 33         |
| 2.3.1 Independent media .....                                                                                                                               | 33         |
| 2.3.2 Situation for journalists .....                                                                                                                       | 36         |
| <b>3. Vulnerable groups in Armenia .....</b>                                                                                                                | <b>39</b>  |
| 3.1 LGBT.....                                                                                                                                               | 39         |
| 3.2 Victims of Domestic Violence .....                                                                                                                      | 42         |
| 3.3 Religious minority groups.....                                                                                                                          | 43         |
| <b>4. CITIZENSHIP .....</b>                                                                                                                                 | <b>45</b>  |
| 4.1. Application in/outside Armenia.....                                                                                                                    | 45         |
| 4.2. Requirements to documentation .....                                                                                                                    | 46         |
| 4.3. Possible test of language and constitutional skills .....                                                                                              | 46         |
| 4.4. Mixed marriage and children of mixed marriages .....                                                                                                   | 46         |
| 4.5. Children of mixed marriages .....                                                                                                                      | 47         |
| 4.6. Ethnic Armenians' opportunities to obtain citizenship without having lived in Armenia / having lived outside Armenia for a longer period of time ..... | 49         |
| 4.6.1. Ethnic Armenians from Syria .....                                                                                                                    | 50         |
| 4.7. Loss of citizenship.....                                                                                                                               | 51         |
| <b>Appendix 1: Terms of Reference .....</b>                                                                                                                 | <b>53</b>  |
| <b>Appendix 2: List of Sources.....</b>                                                                                                                     | <b>55</b>  |
| <b>Appendix 3: Map of Armenia.....</b>                                                                                                                      | <b>56</b>  |
| <b>Appendix 4: Handbook of Frequently asked legal questions .....</b>                                                                                       | <b>57</b>  |
| <b>Appendix 5: Bibliography .....</b>                                                                                                                       | <b>107</b> |
| <b>Appendix 6: Meeting notes .....</b>                                                                                                                      | <b>109</b> |
| • Meeting with the Constitutional Court, 6 April 2016.....                                                                                                  | 109        |
| • Meeting with the Court of Cassation, 4 April 2016 .....                                                                                                   | 113        |
| • Meeting with the Human Rights Defender, Ombudsman, 11 April 2016 .....                                                                                    | 117        |
| • Meeting with Ministry of Diaspora, 14 April 2016 .....                                                                                                    | 121        |
| • Meeting with the Passport and Visa Department of the RA Police, 14 April 2016 .....                                                                       | 123        |
| • Meeting with the Prosecutor General's Office, 13 April 2016 .....                                                                                         | 126        |

---

## Armenia: State actors, political situation vulnerable groups and citizenship

---

|                                                                                                 |     |
|-------------------------------------------------------------------------------------------------|-----|
| • Meeting with Special Investigation Service, 4 April 2016 .....                                | 129 |
| • Meeting with an anonymous source, located in Armenia, 7 April 2016 .....                      | 132 |
| • Meeting with International Organisation for Migration (IOM), 5 April 2016.....                | 136 |
| • Meeting with an International Organisation (1) in Yerevan, 13 April 2016 .....                | 139 |
| • Meeting with a representative of an International Organisation (2), 5 April 2016 .....        | 144 |
| • Meeting with an International Organisation (3) in Yerevan, Armenia, 8 April 2016 .....        | 148 |
| • Meeting with Western Embassy (1), in Yerevan, Armenia, 6 April 2016 .....                     | 153 |
| • Meeting with a Western Embassy (2), 6 April 2016 .....                                        | 156 |
| • Meeting with representatives of an Embassy in Yerevan, 7 April 2016.....                      | 159 |
| • Meeting with Association of Judges in the Republic of Armenia, 13 April 2016.....             | 162 |
| • Meeting with Chamber of Advocates, 14 April 2016 .....                                        | 165 |
| • Meeting with Helsinki Association, 11 April 2016 .....                                        | 169 |
| • Meeting with Armenia Lawyers' Association, 7 April 2016.....                                  | 173 |
| • Meeting with Civil Society Institute, 8 April 2016 .....                                      | 177 |
| • Meeting with the Committee to Protect Freedom of Expression (CPFE), 11 April 2016 .....       | 183 |
| • Meeting with the Helsinki Committee of Armenia, 6 April 2016 .....                            | 187 |
| • Meeting with Hetq, Lianna Sayadyan, Deputy Editor 12 April 2016 .....                         | 194 |
| • Meeting with Public Information and Need of Knowledge NGO (PINK Armenia), 13 April 2016 ..... | 198 |
| • Meeting with Transparency International Anti-corruption Center, 7 April 2016 .....            | 202 |
| • Meeting with Women Resource Centre, 8 April 2016 .....                                        | 206 |

## Abbreviations

|              |                                                      |
|--------------|------------------------------------------------------|
| <b>ALA</b>   | Armenian Lawyers' Association                        |
| <b>CPFE</b>  | Committee to Protect Freedom of Expression           |
| <b>CSI</b>   | Civil Society Institute                              |
| <b>DIS</b>   | Danish Immigration Service                           |
| <b>ECHR</b>  | European Court of Human Rights                       |
| <b>GONGO</b> | Government supported non-governmental organisations  |
| <b>HCA</b>   | Helsinki Committee, Armenia                          |
| <b>IOM</b>   | International Organisation for Migration             |
| <b>LGBT</b>  | Lesbian, Gay, Bisexual, Transgender                  |
| <b>NGO</b>   | Non-governmental organisation                        |
| <b>OSCE</b>  | Organisation for Security and Co-operation in Europe |
| <b>PINK</b>  | Public Information and Need of Knowledge NGO         |
| <b>RA</b>    | Republic of Armenia                                  |
| <b>SIS</b>   | Special Investigation Service                        |
| <b>TIAC</b>  | Transparency International Anti-corruption Center    |
| <b>UNHCR</b> | United Nations High Commissioner for Refugees        |
| <b>WRCA</b>  | Women's Resource Center, Armenia                     |

## Disclaimer

This report was written in accordance with the European Asylum Support Office's (EASO) Country of Origin Information (COI) report methodology.<sup>1</sup> The report is based on approved notes from meetings with carefully selected interlocutors. Statements from all interlocutors are used in the report and all statements are referenced.

This report is not a detailed or comprehensive survey of all aspects of the issues covered in the terms of reference and should be considered alongside other available country of origin information on the situation in Armenia.

The information contained in this report has been gathered and presented with utmost care.

The report does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim for protection, which will need to be considered on its individual facts. Terminology used should not be regarded as indicative of a particular legal position.

---

<sup>1</sup> European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012. [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/coireportmethodologyfinalayout\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/coireportmethodologyfinalayout_en.pdf)

## **Introduction**

This report is the product of a fact finding mission conducted by the Country of Origin Information Division, Danish Immigration Service (DIS) to Yerevan, Armenia from 3 to 15 April 2016. The purpose of the mission was to collect updated information on issues recurring in cases regarding Armenian asylum seekers in Denmark.

The report focuses on protection from state actors, the situation for political opponents and civil activists, freedom of assembly and freedom of speech, vulnerable groups in Armenia and citizenship.

The terms of reference for the mission were drawn up by DIS in consultation with the Danish Refugee Appeals Board as well as a Danish advisory group on COI<sup>2</sup>. The terms of reference are included in Appendix 1 to this report.

In the process of compiling the report, the delegation consulted with 26 sources, comprising representatives from international organisations, non-government organisations (NGOs), Western embassies, journalists and the Armenian authorities.

The sources interviewed were selected by the delegation based on the expertise, merit and role relevant to the mission. All 26 of the sources were consulted during the mission to Yerevan.

A list of the sources consulted is attached in Appendix 2. All the notes of the meetings with the sources are provided in Appendix 6. A brief description of the source is included in the meeting notes for the majority of sources.

The sources were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. 19 sources are referred by their name and/or the name of their organisation; in accordance with their own request on this matter. Seven sources requested varying degrees of anonymity given sensitivities in their working environments.

The sources consulted were informed about the purpose of the mission and that their statements would be included in a public report.

The notes from the meetings with the sources were forwarded to them for approval and amendment, allowing the opportunity to amend or make comment on their statements. All sources approved their statements. The Special Investigation Service did not reply to several requests and the note from the meeting is without comments and amendments. The delegation was informed that statements given during the meeting with the Special Investigation Service was public and did not need approval.

---

<sup>2</sup> The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organisations (Danish European Mission and Open Doors), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

The report is available on the website of DIS, [www.newtodenmark.dk](http://www.newtodenmark.dk), and thus is available to all stakeholders in the refugee status determination process, as well as to the general public.

The report is a summary of the sources' statements and does not include all details from the meeting notes. In the report, care has been taken to present the views of the sources as accurately and transparently as possible. In this regard, all sources' statements are found in their full extent in Appendix 6 of this report.

It should be noted that the delegation arrived to Yerevan on 3 April 2016 – one day after a renewed outbreak of the armed conflict between Armenia and Azerbaijan over the territory of Nagorno-Karabakh. This evidently affected the meetings with the interlocutors. As some of the interlocutors expressed, in such situations parties who previously disagreed tend to unite, and become less critical towards national institutions and authorities.

With the approval of the author, the Danish Immigration Service is publishing the full text of the Handbook of Frequently Asked Legal Questions for Persons Displaced from Syria to Armenia, written by the UNHCR and the Armenia's Chamber of Advocates. The Handbook is attached in Appendix 4.

The Danish Immigration Service would like to express its gratitude for the assistance and extensive support provided by the Royal Danish Embassy in Kiev, Ukraine and the Royal Danish Consulate in Yerevan, Armenia during its preparations for the visit and during the mission.

The editing of the report was finalised in the middle of July 2016.

## **Executive Summary**

The Armenian Police and legal system have been characterised as some of the most corrupt institutions in the country. The reasons for this include the lack of independence from the president, an intertwining of political and economic interests and an inheritance from the time of the Soviet Union. Though formally all citizens have the right to file a complaint or seek redress, the general faith in the judicial system is low and cases are therefore being pursued at the European Court of Human Rights. There are some positive changes in the police and in the judiciary. Reforms have affected positively on the conduct of the police and more cases against police officers, who break the rules, are being pursued. A new generation of young judges, who are inspired by international standards and who care about their reputation, have been appointed. But the lack of political will to change the system is pointed out as the biggest barrier for changes towards a more independent judiciary.

The Human Rights Defender (Ombudsman) stands out as being a more independent institution, but the office is not completely separated from the structures of power. Critical recommendations towards the state authorities seem to indirectly induce to the resignation or to the deprivation of re-election of the Ombudsman and the number of implemented recommendations are still very low.

The political environment in Armenia is not considered free and competitive. Government institutions are attached to the dominating Republican Party and the political and economic elites are converged. The political opposition in Armenia is considered weak and fragmented, and is not seen as a real alternative to the government. However, it was highlighted that Armenia has a vibrant and active civil society, which has been evident in major demonstrations in recent years. The general conditions for the civil society groups and the NGOs are considered good, and neither the political opposition nor the civil society groups face persecution from the authorities because of their activities. However, there have been incidents in which more radical opposition figures have been targeted.

Overall, it is considered that freedom of speech exists to the extent that everyone can freely express his or her opinion in the public. Television and print media are often owned by people close to the government, but the internet is considered free. Journalists are able to do their work without being hampered or otherwise targeted by the authorities. However, depending on the situation, some critical journalists have experienced direct targeting, especially in connection with demonstrations and elections, although ill-treatment of journalists by the authorities does not happen routinely.

The LGBT community is considered one of the most vulnerable groups in Armenia. If LGBT persons are open about their sexuality, they will be subject to discrimination and face stigmatisation from the society. Domestic violence is widespread in Armenia, and victims of domestic violence also constitute a vulnerable group for whom there is only limited support in the Armenian society.

Access to citizenship is fairly easy for both ethnic Armenians, who can follow a simplified procedure, and other nationalities that are required to have lived in Armenia for three years and pass a test in the Armenian Language and Constitution, unless they are married to or parent to an Armenian citizen. Persons in or children of mixed marriages between ethnic Armenians and Azerbaijanis (if there are any left) would face difficulties, not by law, but by societal acceptance, if they settled in Armenia.

## 1. STATE ACTORS

### 1.1. The National Police of Armenia

The present form of the Police of the Republic of Armenia (the police) was decided in the Law on the Police from 2001, when the Ministry of Interior administratively was replaced with the police, and the Law on Police Services from 2013.<sup>3</sup>

According to article 42 in the Law on Police, the police are oversighted by the Prosecutor's Office.<sup>4</sup> The President of the Republic of Armenia appoints the head of the Police.<sup>5</sup>

#### 1.1.1. Citizens' Access to the Police

Instructions on how citizens can approach the police are available on the webpage of the Armenian Police – [www.police.am](http://www.police.am).<sup>6</sup>

##### *Access to the police in case of a private conflict*

The Armenian Helsinki Association of Human Rights (Helsinki Association) stated that the police can only in a very few cases assist ordinary citizens, and only in minor cases that involves petty crimes such as theft, street fights and domestic violence. If a citizen has a conflict with a low-level public official, the police would only intervene, if the citizen pays enough money in bribery.

According to an anonymous source located in Armenia, if a private person has a conflict with another person, the police will normally deal with the conflict. However, according to the same source, citizens are less willing to approach the police or other authorities in conflicts or disputes involving a "well-connected" person.

Sources consulted<sup>7</sup> emphasised that if a citizen has a conflict with a person that is either well-connected or have a powerful political or financial position, the chances of an intervention or a fair result would be rather small. If a victim of a private conflict with a politically and/or economically powerful person approaches the police to seek protection, the police neither can nor will assist, even if the citizen pays a bribe. A case would likely be opened, but the case handling by the police would be ineffective and unsuccessful. In general, powerful people are above the law and ordinary citizens are not protected by the law in such cases.

If the police somehow get involved, even involuntarily, they too are at risk of repercussions. According to an anonymous source located in Armenia an example of this could be observed in media reports in the winter 2015-2016, when a jeep driven by a relative of an influential person was involved in a traffic incident

---

<sup>3</sup> [www.police.am/en/about-the-police](http://www.police.am/en/about-the-police) (accessed 18 June 2016)

<sup>4</sup> The Law of the Republic of Armenia on Police (2001), Chapter VIII, The Control and Oversight of the Activity of Police and the Responsibility of the Police Officers, Article 42. The Oversight of the Police Activity (adopted 16 April 2001) <http://www.parliament.am/legislation.php?sel=show&ID=1271&lang=eng> (accessed 19 June 2016)

<sup>5</sup> United States Department of State, 2015 Country Reports on Human Rights Practices - Armenia, 13 April 2016, available at: <http://www.refworld.org/docid/571612a415.html> [accessed 20 June 2016]

<sup>6</sup> The webpage contains telephone numbers for hotlines of various topics, subpages with frequently asked questions and printed standard letters for the citizens to fill out with inquiries to the police.

<sup>7</sup> Helsinki Association; Helsinki Committee; Anonymous source located in Armenia

smashing several cars, including a police vehicle. In the end a police officer was blamed for the accident and was charged with the responsibility.<sup>8</sup>

### *Repercussions against witnesses/victims*

According to the Helsinki Committee, the risk of repercussions depends on, how vulnerable a victim of a conflict is. If victims of ill-treatment by authorities in detention facilities file a complaint against a police officer, the authorities could put pressure on victims by threatening that their conditions could worsen, if they complain.

People would only be protected by the authorities, if they are granted a criminal procedural status as victim or witness or similar. Furthermore, there are no requirements in the legislation to present evidence, when filling a complaint regarding, for instance, corruption. On the other hand if no evidence can be presented to support the complaint, the risk for the plaintiff to be charged for filing a false report or slander is high and could therefore be considered as a mean to exert pressure to complainants.<sup>9</sup>

### **1.1.2. Capacity and conduct of the police**

An anonymous source located in Armenia, stated that there have been visible positive developments in the activities of the police force, but there is still room for further improvement. The majority of the complaints from the civil society and the mass media against the police were directed at the conduct of individual police officers, especially during public events while arresting protesters and not against the police force itself.

According to the Prosecutor General's Office, which has the oversight of the police<sup>10</sup>, the police force have focus on training, which is done in cooperation with the Council of Europe. However, the Prosecutor General's Office would not deny that there are problems regarding insufficient training of the police in Armenia and that is not solved overnight. There are still police officers within the force, who have been trained in the former Soviet Union.

According to Transparency International, the Council of Europe has recommended the Armenian Government to re-establish a Ministry of Interior. The former ministry was abolished in 2002. At present the police constitute a self-governing administration that reports directly to the president of Armenia, which results in a limited civil control and oversight of the police.<sup>11</sup>

### *Ill-Treatment in police custody*

The most recent detailed reporting by an international oversight actor on the conduct of police, state security and military dates from the October 2014 visit of the Human Rights Commissioner of the Council of

---

<sup>8</sup> Anonymous source, located in Armenia

<sup>9</sup> Transparency International

<sup>10</sup> FIDH, Administration of Justice in the Republic of Armenia, 2013, The prosecutor's office oversees the lawfulness of inquiries of allegations of ill-treatment and the preliminary investigations, as well as pursuing the cases in court. A conflict of interest is thus created. The prosecutor supervises the legality of investigations, approves indictments submitted by the investigators and defends the relevant charges in court. The prosecutor exercises thus three different powers relating to the same case, Supervision, Approval and Defence

<sup>11</sup> Transparency International: Overview of corruption and anti-corruption in Armenia, 23 August 2013, <http://transparency.am/storage/overview-of-corruption-in-armenia-en.pdf> (accessed 21 June 2016)

Europe.<sup>12</sup> In the report he expressed his concern over the lack of effective investigation into allegations of torture and ill-treatment committed by law enforcement agents, which results in the impunity of perpetrators and the recurrence of such abuse. In his report the Commissioner referred to the Armenian Criminal Code, under which the definition of torture does not encompass crimes committed by public officials, but only those by individuals acting in a private capacity. As a consequence, no law enforcement agent or member of the security services has ever been convicted of the crime of torture in Armenia. If police officials and investigators are at all held accountable for resorting to ill-treatment, the charges and convictions are for lesser offences, i.e. abuse of authority or exceeding official powers. On several occasions, persons thus convicted have been granted amnesty.<sup>13</sup>

An anonymous source located in Yerevan added that in addition to the international reporting, the European Court of Human Rights (ECHR) has heard several cases dealing with torture in police custody such as the case of *Virabyan v. Armenia*<sup>14</sup>, in which the European Court of Human Rights concluded that Virabyan had been subjected to ill-treatment that could be characterised as torture and that the authorities' investigation had been ineffective, inadequate and fundamentally flawed. The source further added that, in general, allegations against police officers, where the allegations do not involve elements that fall under criminal law, are investigated by the internal security department of the police.

According to an International Organisation (1) in Yerevan the Armenian government is making improvements in this area. The government has approved amendments to the criminal code that aligns the relevant legislation with Article 1 of the UN Convention against Torture. A revised Criminal Procedure Code, including a definition of torture, is pending and the implementation is in a draft version. The plan is to align the legislation and practice with the standards of the Council of Europe's Commission for the Prevention of Torture (CPT).

### *Pre-trial detention*

A representative of an International Organisation (2) highlighted the concern about the frequent use of pre-trial detention that has been criticised in several judgements from the European Court of Human Rights.<sup>15</sup> The court have found violations of Article 5 related to the unlawfulness of detention and absence of a court decision on detention, the unreasonable length of pre-trial detention, the lack of relevant and sufficient reasoning by courts, and its extension or automatic rejection of applications of bail. Often the arrest is not the consequence of a preceding police investigation, but is rather used as an investigative tool.

---

<sup>12</sup> Anonymous source, located in Armenia

<sup>13</sup> Muižnieks, Nils: Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Armenia, from 5 to 9 October 2014, March 2015, [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2015\)2&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2015)2&direct=true) P.18; See also United States Department of State, *2015 Country Reports on Human Rights Practices - Armenia*, 13 April 2016, available at: <http://www.refworld.org/docid/571612a415.html> and Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 10 April 2013, Strasbourg, 27 January 2015

<sup>14</sup> ECHR: Information Note, *Virabyan v. Armenia*, 40094/05, <http://hudoc.echr.coe.int/eng?i=001-158191>

<sup>15</sup> *Asatryan v. Armenia*, Application No. 24173/06, Judgment of 09/02/2010; *Poghosyan v. Armenia*, Application No. 44068/07, Judgment of 20/12/2011; *Murakhanyan v. Armenia*, Application No. 12895/06, Judgment of 05/06/2012; *Piruzyan v. Armenia*, Application No. 33376/07, Judgment of 26/06/2012. *Malkhasyan v. Armenia*, Application No. 6729/07, Judgment of 26/06/2012; *Sefilyan v. Armenia*, Application No. 22491/08, Judgment of 02/10/2012

According to article 16 in the Constitution of the Republic of Armenia, an arrested person shall be presented before a court within 72 hours.<sup>16</sup>

According to the Prosecutor General's Office, the law states that a case may be in the pre-trial investigation phase for maximum 12 months. The average case is in the pre-trial investigation phase for four to six months. A detainee may maximum be in pre-trial detention for a year. Only when a person is formally a suspect of a crime with a penalty of more than a year of imprisonment, he/she can be detained in pre-trial detention. During the pre-trial detention period, the detainee has to be presented before a judge every second month. Prolongation of the detention period happens upon assessment of the concrete investigative measures claimed to be necessary. The length of the pre-trial detention is deducted in the final sentence, although if acquitted, the person will not automatically be compensated for the detention period.

According to the Court of Cassation, the case-law of the court as well as the legislation requires the investigative body to present a well-reasoned justification either for obtaining a detention warrant, or every second month, for extending pre-trial detention. Authorities generally complied with the 12-month limit on total time in pre-trial detention. (*See also 2.1.3*)

### 1.1.3. Corruption and Integrity

The police are recognised by the citizens as one of the most corrupt institutions in Armenia. According to Transparency International's Global Corruption Barometer the police are placed as number four on the list of most corrupt institutions in Armenia. In the Armenian police, as with other state institutions, the corruption is systemic, as it starts from the bottom level and goes all the way to the highest management in an organised system.<sup>17</sup>

The primary reason for the corruption is the lack of independence of the police that have no independence from the president and the political elite. Influence and nepotism is being used to achieve political aims.<sup>18</sup>

According to an international organisation (1) in Yerevan, the police appear well-functioning on a formal level, but practically there are several problems and challenges of corruption that raise international concern. Cases are being closed or postponed indefinitely using administrative or legal loopholes as excuses. There are reform efforts in the law enforcement sector that are financially and technically supported by international donors, but a sustainable result requires stronger political will and determination of the decision-makers, according to the source.

The Prosecutor General's Office would not deny that Armenia have inherited a system of corruption from the former Soviet Union, but the office highlighted that the problem is not special for Armenia, since it also exists in the surrounding former Soviet republics.

According to the Prosecutor General's Office, reports of corruption are being investigated; all phone calls to the police are recorded, why it would not be possible to "cover up" and not investigate allegations of a

---

<sup>16</sup> Constitution of the Republic of Armenia (with amendments), Chapter 2: Fundamental Human and Civil Rights and Freedoms, article 16, <http://www.parliament.am/legislation.php?sel=show&ID=1&lang=eng> (accessed 28 June 2016)

<sup>17</sup> Transparency International – Link to TI Global Corruption Barometer - <http://www.transparency.org/gcb2013/report>

<sup>18</sup> Transparency International

criminal offence. The Prosecutor is responsible for the legality of the cases, and therefore he also reviews the phone recordings.

The Prosecutor General's Office has the power to refer a case for further investigation to the Special Investigation Service, and at the same time controls the legality and effectiveness of investigations conducted by the service, and decides if charges should be pressed.<sup>19</sup>

### 1.2. Special Investigation Service

The Special Investigation Service was established in 2007 as a self-governing state body and acts within the frameworks of the functions stated in the Law on Special Investigation Service. According to Article 2 of the law the Special Investigation Service conducts preliminary investigations of criminal cases against officials of legislative, executive and judicial bodies, against persons carrying out special state service, connected with their official positions or with crimes committed by them, as well as electoral processes envisaged by the Criminal Procedure Code of the Republic of Armenia.<sup>20</sup>

The head of the Special Investigation Service is appointed directly by the President of Armenia. The Staff is appointed by the head of the service.<sup>21</sup>

#### 1.2.1. Citizens' Access

According to the Special Investigation Service the procedure for initiating a preliminary investigation can be done either by the Prosecutor General's Office or by the approach of a citizen.

The Special Investigation Service has three investigation departments: 1) Investigation Department for Corruption, Organised and Official Crimes; 2) Investigation Department for Torture and Crimes against Persons and 3) Investigation Department for General Crimes. A citizen can approach the service in several ways – either by email, regular mail to a post-box or to appear at the office of the service in person.<sup>22</sup> A citizen, who has been victim of ill-treatment or similar, can file a case at the Special Investigation Service even though the person has an ongoing criminal case in the court system.

#### 1.2.2. Resources

According to Special Investigation Service, the biggest challenge for the service is the caseload. Even though the service emphasised that all cases are being thoroughly, comprehensively and objectively investigated, there is still an acknowledged need to prioritise the investigations. The majority of cases (70-80%) are placed in the Investigation Department for Corruption, Organised and Official Crimes and is therefore prioritised.

---

<sup>19</sup> Council of Europe Commissioner for Human Rights: Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Armenia from 5 to 9 October 2014, 10 March 2015, paragraph 68-69, p. 19

<sup>20</sup> Link: Закон Республики Армении о Специальной Следственной Службе (Republic of Armenia Law on Special Investigation Service), (adopted 28 November 2007),

<http://www.parliament.am/legislation.php?sel=show&ID=3124&lang=rus> (accessed 27 June 2016)

<sup>21</sup> Special Investigation Service

<sup>22</sup> Ibid.

The service terminated 740 preliminary investigations in 2015. The amount of cases per year was around three times more than other years.<sup>23</sup>

### 1.2.3. Independence and Integrity

Both Armenian Helsinki Committee and the Helsinki Association stated that the Special Investigation Service is not independent. According to the Helsinki Committee there have been some signs of improvement in recent years. In the first years, the service did not open any case against the police at all. At present, preliminary investigations are being initiated. However, the result is always that the case is closed after a couple of months due to lack of grounds to prosecute. If an officer from the Special Investigation Service would take initiative to raise a case against an official, he/she would be dismissed, according to the source.

According to Transparency International there are three main problems with the legislation concerning the Special Investigation Service: Firstly, there is no clarity in the Criminal Procedure Code regarding the jurisdiction of the service. Secondly, the legislation concerning whistle-blowers is weak and protection can be delayed or not granted and the person would be at risk of retaliation. Thirdly, there are no requirements in the legislation to present evidence when filling a complaint regarding corruption, but if no evidence is provided, the plaintiff can be charged with filing a false report or slander.

The Special Investigation Service emphasised the positive development of the service since 2013. The legal framework is different, preliminary investigations are only initiated on a legal basis. The wages of the investigators are twice as high as in previous years and the investigators are being qualified with special competencies in their specific work areas.

According to the Special Investigation Service the staff members are not facing any repercussions when conducting preliminary investigations against state officials, politicians or the police officers. Even though it is generally difficult for police officers to investigate other police officers, the service emphasised that it was the cornerstone of the service's work.

### 1.3. The Legal System

The Court of Cassation explained that the judicial system in Armenia is determined by the Constitution of the Republic of Armenia and the Judicial Code of 2007. Courts of General Jurisdiction have first instance jurisdiction over all civil, criminal and other cases that are not reserved to the Administrative Court. The Administrative Court has jurisdiction over all cases arising from public legal relations.

Armenia has three courts of appeal, the Civil Court of Appeal, the Criminal Court of Appeal and the Administrative Court of Appeal. The Civil Court of Appeal and the Criminal Court of Appeal review appeals from Courts of General Jurisdiction. The Administrative Court of Appeal reviews appeals from the Administrative Court. Appellate courts review judgments on the merits only within the scope of the grounds and reasoning underlying the appeal.<sup>24</sup>

---

<sup>23</sup> Special Investigation Service

<sup>24</sup> Court of Cassation

The Court of Cassation is the court of highest instance in Armenia, except for matters of constitutional justice. It is responsible for ensuring the uniform implementation of the law and facilitating the development of the law. The Court of Cassation is divided into two Chambers, the Civil and Administrative Chamber and the Criminal Chamber.<sup>25</sup>

Finally the Constitutional Court is responsible for the administration of constitutional justice. The Constitutional Court has a very specific mission, as it only considers the constitutionality of a law implemented in Armenia. The Constitutional Court does not consider the legitimacy of a legal act or judgement. It only checks the constitutionality of a law or other legal act applied in a case, not the case itself.<sup>26</sup>

### 1.3.1. Citizens' Access to file a case

Several sources agreed that, formally, all citizens have the right to file a complaint or seek redress through the courts in Armenia. However, the judicial system in Armenia is characterised by a general distrust in the population. A common citizen has access to file a case with the courts, but the outcome of the legal proceedings is questionable and unpredictable.<sup>27</sup>

According to Transparency International, a citizen's possibility to file a complaint outside the capital Yerevan would be more difficult as the fight against corruption in the regions are more difficult.

According to the Prosecutor General's Office a citizen has several options to approach the Office of the Prosecutor. A citizen can file a complaint or approach the Prosecutor General's Office directly. If there has been media coverage of criminal offenses that have not been investigated by the police, the Prosecutor is obligated to initiate a proper investigation.

Armenia Lawyers' Association (ALA) stated that if a person wants to bring a case before the court, he/she can apply to the courts of first instances either by defending himself/herself or through an attorney. The specificities of presenting the case before the courts, depends on the type of case, mainly if it is civil, administrative or penal.

The Association of Judges noted that the legislation ensures the citizen's right to seek redress through numerous instances such as the police, the prosecutor, the Ombudsman and the Constitutional Court. Citizens can also file civil claims with the courts.

According to Armenia Lawyers' Association, there are specialised attorneys that provide legal aid to people in detention, including pre-trial detention. The principle of ensuring the right to legal aid is regulated by article 10 of the Criminal Procedure Code of the Republic of Armenia.<sup>28</sup>

---

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Armenia Lawyers Association; Chamber of Advocates; A Representative of an International Organisation (2); Helsinki Committee

<sup>28</sup> Criminal Procedure Code of the Republic of Armenia (adopted 1 September 1998), [http://www.parliament.am/law\\_docs/010998HO248eng.pdf?lang=eng](http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng)

The Court of Cassation highlighted the grounds for lodging a cassation complaint as following: a) ensure uniform application of law; b) inconsistency between the ruling from a lower instance court and the case law of the Court of Cassation; c) judicial error, i.e. such a violation of substantive or procedural law that could influence the outcome of the case; d) newly-emerged and new circumstances. All people can appeal to the Court of Cassation. According to the Court of Cassation the appeals concern violations at all levels.

### 1.3.2. Resources

According to the Court of Cassation, the number of judges pr. 100,000 citizens is substantially lower in Armenia (6.7 judges pr. 100,000 citizens) than the average of the European Union (EU) (22.7 judges pr. 100,000 citizens). The low number of judges has led to a problem with overloading of cases at the courts. In 2013 the number of civil and administrative cases filed with the courts was approximately 45,000 cases, in 2014 it was 85,000 cases and in 2015 it was 115,000 cases. The number of criminal cases was stable over the same period of time. The growing number of cases results in increasing processing time of the cases. The Court of Cassation recognised that the huge caseload has led to violations of the timeframe for processing a case.

Both Chamber of Advocates and the Association of Judges confirmed the extreme overload of cases, which has led to a backlog in the Armenian judicial system. The Association of Judges estimated that a first instance court has a backlog of 1,700-1,800 cases pr. judge, which are six to eight times more than in an average European court. The Chamber of Advocates noted that hearings before the courts often are delayed several months, and the rulings are delayed up to a year. Both sources noted that there are too few judges and that the caseload is affecting the quality of work and the judgements in the courts, why the risk of mistakes have increased.

#### *Fair Trial:*

A representative of an International organisation (2) stated that the equality of arms is not fully effective in Armenia and access to a lawyer at the outset of police custody remains problematic. The source also referred to the report of the Council of Europe's Commissioner for Human Rights.<sup>29</sup>

Chamber of Advocates mentioned that the presumption of guilt rather than the presumption of innocence is prevalent in the courts in criminal cases. The mentality of the courts is often that the suspect is guilty when cases reach the courts. In 90% of the cases the judge would approve the investigator's or prosecutor's request for detention.

Civil Society Institute corroborated that the mentality of the people arrested and/or prosecuted by the authorities is characterised by a fear of the court system and a fear of the judges, even if they did not commit a crime. This is also reflected in the reluctance of some people to appeal a guilty verdict in the first instance court.

---

<sup>29</sup> Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Armenia from 5 to 9 October 2014, Strasbourg, 10 March 2015. In earlier reports the access to a lawyer and the right to receive legal aid has been questioned. It has especially been a problem in the pre-trial phase where the police can invite persons to police premises as a witness and then treating them as a suspect without rights and safe-guards as set out for suspects.

However, several sources<sup>30</sup> stated that there have been some clear improvements in this area in the recent years. The position of the Armenian Chamber of Advocates which provides legal aid has become stronger, and there are also NGOs that provide legal aid free of charge. The quality of the support is higher and the defence lawyers are better educated. Specialised attorneys provide legal aid to people in detention, including pre-trial detention.

Since 2012 the Chamber of Advocates and the police are operating a committee consisting of police officers and advocates that assess complaints regarding incidents where a defence attorney had his/her access to a client blocked by the police. Since the setting of the committee the number of cases has dropped significantly.

The Chamber of Advocates criticised that only the first instance courts make a ruling regarding the fact of a case. Both the appeal courts and the Court of Cassation only assess the legality of the decision from the first instance courts and these courts do not accept new evidence. Therefore the courts of appeals and the Court of Cassation almost always make the same assessment as the first instance courts.

When asked about the so-called zone-judges – a concept described by the Armenian Ombudsman and conveyed by the 2015 Council of Europe Report<sup>31</sup> – whereby the judges in the Court of Cassation apparently control a number of lower-ranking judges and coordinate their judicial decisions, the Court of Cassation denied the existence of this mechanism. According to the Court of Cassation, the court sets the precedence not only for the lower instance courts, but for the whole justice system (investigative bodies, prosecutors, lawyers). The court is using the term “predictable justice” to create the uniform application of the legislation and the same interpretation of the law in all court instances.

According to the Association of Judges, the Court of Cassation is not supervising or advising the judges of the first instance and appeal courts before making a verdict. However, the judges are allowed to ask for advice regarding a provision in the law, and such advice does not influence the independence of the courts.

### 1.3.3. Integrity and Independence

Several sources<sup>32</sup> stated that the judiciary formally is independent and can appear well-functioning. However, practically the whole sector is under influence of the political system. Especially, the large role of the president in appointments and promotions of judges was highlighted as a barrier for the judiciary to act separately and independently of the political system.

Other sources stated that it is not only the judiciary, but the whole legal system that are dependent of political interests of the president and the ruling party.<sup>33</sup> According to the Helsinki Committee it is the overall assumption that the legal bodies in Armenia are ineffective and under political influence. The general faith in the judicial system is low and cases are being pursued in the European Court of Human

---

<sup>30</sup> Armenia Lawyers Association; Chamber of Advocates; Civil Society Institute

<sup>31</sup> Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, March 2015 Para. 21; Institute for War and Peace Reporting, *Armenian Courts Accused of Systemic Corruption*, 20 January 2014, CRS Issue 719, available at: <http://www.refworld.org/docid/52de87bc4.html> [accessed 29 June 2016]

<sup>32</sup> Helsinki Committee; A representative of an International Organisation (2); An International Organisation (1) in Yerevan; Civil Society Institute; Representatives of an embassy in Yerevan

<sup>33</sup> Helsinki Committee; Civil Society Institute; Armenia Lawyers Association

Rights due to the distrust in the system. The biggest barrier for changes towards a more independent judiciary is the political will to change. Until the entire legal system is independent, there will not be an independent judiciary.

### *Corruption*

Many sources highlighted the problem of corruption in the Armenian judiciary. Armenia is a country of formal and informal networks, which makes it easy to influence a case. The general consensus is that a person in Armenia is not protected by law, but by his/her official position and financial means. Corruption permeates all levels of society. The political and economic elite in Armenia are intertwined; rich people are well-connected with the politicians and can influence politics, as well as justice.<sup>34</sup>

The same sources indicated that due to corruption an ordinary citizen would have no real possibility to seek protection with the judiciary. People can file cases before all levels of the court system, including the Court of Cassation, but the only option for a fair trial is to file a case at the European Court of Human Rights.<sup>35</sup>

Several sources<sup>36</sup> referred to the special report published by the Ombudsman in 2013 describing the systematic mechanisms of corruption. The report revealed that corruption affected all judicial instances with judges taking bribes at various levels. The Ombudsman identified more than 200 legal cases in which judicial rulings were swayed by money paid (up to 50,000 USD) by one or the other of the parties.<sup>37</sup>

According to Transparency International Global Corruption Barometer, the courts are perceived to be among the three worst corrupt state institutions in Armenia. The corruption is systemic and starts from the bottom level and goes up to the highest management, where managers at all levels have systemised the amount of money, their subordinates must pay every month.

In civil cases the general trust in the judiciary system is almost non-existing when a large amount of money or an influential public official is involved. The parties in the case would be prompted to believe that a judge could be subject to temptation of taking a bribe, according to several sources.<sup>38</sup>

The Association of Judges acknowledged that corruption exists in Armenia, since people are filing complaints about corruption. However, the source stated that the biggest threat to the independence of the judiciary was the judges' low salaries and pensions.

---

<sup>34</sup> Armenia Lawyers Association; Helsinki Committee; Civil Society Institute; An anonymous source, located in Armenia; An representative of an International Organisation (2); International Organisation (1); Western Embassy (1); Western Embassy (2); Representatives of an embassy in Yerevan

<sup>35</sup> Chamber of Advocates; Armenia Lawyers Association; Helsinki Committee; Civil Society Institute; An anonymous source, located in Armenia; An representative of an International Organisation (2); International Organisation (1); Western Embassy (1); Western Embassy (2); Representatives of an embassy in Yerevan

<sup>36</sup> Anonymous source, located in Yerevan; International Organisation (1) in Yerevan; Helsinki Association; Armenian Lawyers Association; Helsinki Committee; Transparency International; Women Resource Center

<sup>37</sup> Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, March 2015 Para 21; Institute for War and Peace Reporting, *Armenian Courts Accused of Systemic Corruption*, 20 January 2014, CRS Issue 719, available at: <http://www.refworld.org/docid/52de87bc4.html> [accessed 29 June 2016]

<sup>38</sup> Chamber of Advocates; Armenia Lawyers Association; Helsinki Committee; Civil Society Institute; An anonymous source, located in Armenia; A representative of an International Organisation (2); International Organisation (1); Western Embassy (1); Western Embassy (2); Representatives of an embassy in Yerevan

The Prosecutor General's Office noted that powerful or well-connected persons have no influence in the court rooms. If bribes were paid, such a case would immediately be filed for the European Court of Human Rights. Therefore people can no longer hide a problem or pay to make a case disappear.

Several sources stated that there have been some positive signs of improvements. In some administrative cases people are beginning to win cases in courts concerning compensation after the authorities violated their rights. The sources also highlighted the better education of a new generation of younger judges that are inspired by international case-law from among other the European Court of Human Rights. These young judges care more for their reputation and have a stronger belief in justice. The salaries are also improving.<sup>39</sup>

### 1.4. Independent Complaint/Appeal Bodies

#### 1.4.1. Human Rights Defender (Ombudsman)

The institution of the Armenian Human Rights Defender (Ombudsman) is secured in the Constitution. The office was established in 2004. The Ombudsman is elected for a period of six years by a majority 3/5 of the National Assembly and is according to the Constitution irremovable and secured immunity in this period.<sup>40</sup>

##### 1.4.1.1. Citizens' Access

The access to the Armenian Human Rights Defender (Ombudsman) is regulated in the law and both Armenian citizens and non-citizens can apply to the Ombudsman with complaints regarding the state or the local self-governing bodies and their officials. A person can, without a fee, file a complaint by email, personal approach or phone call. If there are enough grounds for a complaint, a case will be opened. The Ombudsman can also take up issues and open a case on his own initiative.<sup>41</sup>

The Human Rights Defender's Office is operating a hot-line service (116) that is staffed 24 hours a day and provides legal advice to citizens. If it is deemed necessary, a representative of the Ombudsman can be present at the scene to provide support.

The office also has a Rapid Response Team that can approach the police station and make notice of the situation. The staff members are secured unlimited access to the arrested.

The Human Rights Defender's Office has three regional offices around Armenia, but the staff from the office in Yerevan can also provide support to cover complaints received in the regions outside Yerevan.

According to a representative of an international organisation (2) everybody can contact the Ombudsman and receive some kind of legal assistance. The hot-line and the local mobile groups around Armenia can provide aid. However, due to financial reasons the help is only short-term.

---

<sup>39</sup> Chamber of Advocates; Armenia Lawyers Association; Civil Society Institute

<sup>40</sup> The Constitution of the Republic of Armenia (with amendments), Chapter 4: The National Assembly, Article 83.1, <http://www.parliament.am/legislation.php?sel=show&ID=1&lang=eng> (accessed 24 June 2016). He can be elected for maximum two consecutive terms.

<sup>41</sup> The Law of the Republic of Armenia, On the Human Rights Defender (adopted 21 October 2003), <http://www.parliament.am/legislation.php?sel=show&ID=1457&lang=eng>, (accessed 25 June 2016)

According to the Helsinki Committee the hotline and response team covers prisons and detentions facilities with some access to the prisoners and detainees. The problem with the institution is, however, that the Armenian society does not know the role and responsibilities of the Ombudsman and what he can do. Often the institution is seen upon as just another court.

### 1.4.1.2. Resources

The Human Rights Defender's Office has 55 employees for the whole country. The main office is located in Yerevan and three regional offices with each two employees. The Rapid Response Team and the hot-line are manned with five employees. The team is available all day, during night-time, weekends and holidays. According to the Ombudsman the hot-line is very popular and frequently used, why five employees sometimes are not enough.

An international organisation (1) in Yerevan stated that the hotline is suffering from limited staff and only five members of the staff are in charge of the hot-line, which covers the entire country.

The maximum processing time for a case is one month. After this period of time a decision has to be made on whether a case will be opened or if the application should be rejected. In 2015 the Human Rights Defender's Office received more than 5,000 cases, and the hot-line received 1,070 cases. According to the Ombudsman, the insufficient number of employees does not have an effect on the handling of cases and the office has seen no violations of deadlines.<sup>42</sup>

However, the present Ombudsman stated that the lack of human resources is perhaps the biggest challenge for the office. The capacity of staff monitoring detention facilities, prisons, psychological hospitals etc. is challenged. According to the Ombudsman, the funds provided by the state are not sufficient. The system is overburdened and there is a need to strengthen the institution with specialised knowledge and further employees, both in the Yerevan office and in the regions.

According to an international organisation (1) in Yerevan, the commitment of the staff at the Human Rights Defender's Office is high, and their work is characterised by quality and expertise. But the organisation is concerned that the insufficient budget of the office prevents the institution to fully perform all its functions. Since the financing is confined, there are limits on areas of action in which the Ombudsman can operate and the staff members have to be careful in dealing with state authorities.

Finally, a new draft law on Anti-Discrimination is being drafted. The law foresees the establishment of an equality body to be placed within the Human Rights Defender's Office, but unless the office receives adequate financing, including more employees, there would be serious concerns regarding the capacity of the whole institution of the Human Rights Defender.<sup>43</sup>

---

<sup>42</sup> However, the former Ombudsmen have emphasised, that there is a lack of material and financial capital in the staff of the office, *Annual Report on the Activities of the RA Human Rights Defender*, 2013, page 11

<sup>43</sup> International Organisation (1)

### 1.4.1.3. Independence and Impact

Several sources<sup>44</sup> emphasised that the institution of the Human Rights Defender is not fully independent. Even though the law formally provides the opportunity for the Ombudsman to be independent, he is still appointed by the ruling system – the National Assembly – and is dependent on the political will in the ruling elite. The Ombudsman's work is carefully monitored by the government. If the Ombudsman is critical in his recommendations, the system (the state authorities) will indirectly induce his resignation. All former Ombudsmen have either resigned or not been re-elected after raising criticism of the system.

The Helsinki Committee found that the Institution of the Human Rights Defender stands out as more or less independent in contrary to the rest of the judiciary that is tormented by corruption. The office and the staff members are considered independent, but are not completely separated from the structure of power, as all employees originate from the authorities.

Two sources mentioned that the Human Rights Defender's Office depends institutionally and by law on the person who serves the post and his commitment. This was especially shown in the period from December 2015 to March 2016, when there was no Ombudsman, and the work of the institution could not proceed.<sup>45</sup>

Several sources stated that it was too early to assess the current Ombudsman, since he was elected in the beginning of 2016.<sup>46</sup> Two sources<sup>47</sup> noted that the former Ombudsman made an ambiguous resignation after criticising the conduct of the December 2015 Constitutional Referendum. According to one source<sup>48</sup> he worked relatively independent, he had the courage to criticise the system openly, and was able to make changes to some cases.

According to the Ombudsman there are basically no limitations in the work of the institution. The Human Rights Defender's Office is working for the benefit of the citizens and the society, not in accordance with the mood of the government. The Ombudsman stated that if the latter was the case, the institution would be useless.

According to the Ombudsman, the work of the institution of the Human Rights Defender has an effect on the Armenian authorities. If the Ombudsman sees a problem within the police and judiciary, he can freely criticise this and make recommendations for improvement. He emphasised the process regarding complaints of ill-treatment. When the Ombudsman receives a complaint, he can transfer the case to the Prosecutor's Office, and when the investigation is completed, the prosecutor is obliged to notify the Ombudsman of his findings. The Ombudsman is convinced that it has an effect, given that the authorities know that the Ombudsman is following the case. There have been cases, where the charges against plaintiffs have been dropped, and criminal proceedings have been initiated against police officers.

Alternatively, the Ombudsman can write a letter demanding an explanation regarding certain topics related to the complaint. The effect of such letter or recommendation is of advisory nature. The Ombudsman can

---

<sup>44</sup> Armenian Lawyers Association; Transparency International; International Organisation (1) in Yerevan; Helsinki Committee

<sup>45</sup> An anonymous source, located in Armenia; Representative of an International Organisation (2)

<sup>46</sup> Armenian Lawyers Association; Helsinki Committee; Representatives of an embassy in Yerevan

<sup>47</sup> International Organisation (1) in Yerevan; Representatives of an embassy in Yerevan

<sup>48</sup> Representatives of an embassy in Yerevan

make a follow-up by raising the issue before the competent authorities. According to the Ombudsman, the impact of the recommendations is growing every year, which is a result of the larger visibility of the office and the fear of being “named and shamed” in the National Assembly, or in the Ombudsman’s annual reports. No authority wants to be “shamed,” why state officials and institutions usually cooperate with the Human Rights Defender’s Office.

However, the Ombudsman recognised the challenges in ensuring the implementation of the recommendations, because some state institutions are reluctant to follow the recommendations of the Human Rights Defender’s Office.

Two sources<sup>49</sup> assessed that the effect of the Human Rights Defender’s Office are minimal. The International Organisation (1) stated that only about one third of the recommendations of the Ombudsman’s Special Report regarding corruption in the Armenian judiciary from 2013 have been implemented. The remaining recommendations are either partly or not implemented. The annual reports are often very long and detailed analysis, that are not very user-friendly to the public. They lack clear information on the required follow-up by various state bodies.

The Helsinki Committee believed that the effect of the Human Rights Defender’s Office on the police and the judiciary is low. If there is a political interest involved, the recommendations would have no impact at all. The before-mentioned resignations of the former Ombudsmen are also clear signs that the effect of criticising the system is minimal, and instead more often leads to the resignation of the messenger. Nevertheless, public opinion is very important in Armenia and the Ombudsman needs to make critical recommendations in order not to lose the citizen’s belief in the institution, according to the same source.

### 1.4.2. The Constitutional Court

The Constitutional Court was created in 1995 after a constitutional referendum and began operating in February 1996.<sup>50</sup> The court consists of nine judges and the main functionality of the court is to assess the constitutionality of laws and regulations in the Republic of Armenia.

According to the Constitutional Court, a constitutional reform will fully enter into force in 2018. The new constitution will result in an alteration of the current Constitutional Court. The court will be added in mandates and is to hear not only laws, but also regulations issued by governing bodies. The court will also not only rule on the constitutionality of the law or regulation, but also on the interpretation of the laws and regulations issued by all levels of the common courts, including the Court of Cassation.

#### 1.4.2.1. Citizens’ access

According to the Constitutional Court the court receives applications from the following: The President of the Republic of Armenia; The National Assembly; The Government; The Courts; The Attorney General; The Human Rights Defender and individuals (since 2005)

---

<sup>49</sup> Helsinki Committee; International Organisation (1) in Yerevan

<sup>50</sup> [http://concourt.am/english/cc/descrip\\_en.pdf](http://concourt.am/english/cc/descrip_en.pdf)

90 percent of all applications filed with the Constitutional Court are from individuals. Since 2008 the court has recognised 250 provisions of different laws as unconstitutional. Individuals<sup>51</sup> can apply directly to the court with a claim of unconstitutionality of a law; after all other remedies are exhausted.

According to Transparency International the access to the court is equal for all. It is not mandatory to hire a lawyer, but the chances to win a case are higher with a lawyer. In practice this limits the access to the court to resourceful persons.

Two sources highlighted that citizens have access to complain to the Constitutional Court, but both sources noted that the opportunities to complain is only limited to the constitutionality of a legal act.<sup>52</sup>

### 1.4.2.2. Resources

The court consists of two chambers each with three judges. The decisions of the chambers have to be unanimous. If the chamber judges disagree, the application will be forwarded to the full court chamber consisting of all nine judges, who will assess the application.

The timeframe to assess an application before the court is six months, which can be extended by further three months. Regarding electoral issues the timeframe is from one month to 50 days.

According to the Constitutional Court, the caseload at the court is high compared to similar courts in the neighbouring countries. The court normally makes one to two final rulings a month and one judgement a week. Since 2005-2006 the court receives more than 1,600 applications a year. Seven to nine percent of the applications are assessed by the court, which is higher than the average percentage for constitutional courts in the EU-countries, where the number is 2.3 – 3.0 percent.<sup>53</sup>

### 1.4.2.3. Integrity and Impact

According to the Helsinki Committee, the Constitutional Court stands out as one of two independent state bodies in Armenia. However, as is the case with the Ombudsman, the court is only independent to a certain extent, due to fact that the leading officials all worked in state institutions before working for the court.

Transparency International praised the court for sometimes making good decisions and for its qualified professional staff. However, if the cases cover sensitive issues, i.e. political issues, and if a person from the government is involved, there are grounds to doubt the properness of the decisions. Transparency International highlighted the numerous cases of electoral disputes, where none of the verdicts from the Constitutional Court have been in favour of the opposition.

The Constitutional Court cannot imagine any pressure from outside applied to the court. In this regard the court highlighted statements from the Council of Europe's Venice Commission regarding political pressure on courts in Armenia. According to the court, the Commission did not find any pressure being applied on the Constitutional Court.

---

<sup>51</sup> persons as well as entities, and non-citizens

<sup>52</sup> An anonymous source, located in Armenia; Transparency International

<sup>53</sup> Constitutional Court

According to the Constitutional Court, the biggest challenges for the court regard the impact of the court's decisions. In this area there are two major problems: Firstly, the Constitutional Court has assessed a number of cases that has been reviewed by the Court of Cassation due to new circumstances. The Constitutional Court has found the assessment of the Court of Cassation insufficient. The Constitutional Court had recommended that the case is reviewed by the first instance court, but after the review the first instance court has made exactly the same verdict as before.

Secondly, the lower courts do not make use of the possibility to approach the Constitutional Court in the pre-trial stage, or during the trial itself, to have a provision tested for its constitutionality before applying it on a specific case. The Constitutional Court only receives two-three cases a year from other courts. The reason for this could be lack of trust in the system among judges, lack of proper education, or that the sessions in the Constitutional Court are public.

## 2. Political Situation

### 2.1 Major political parties

The latest parliamentary election was held 6 May 2012. The Republican Party won a majority of 69 of 131 seats.<sup>54</sup> The largest opposition party, Prosperous Armenia, won 37 seats. A group of small political parties are also represented in the National Assembly – Armenian National Congress (7 seats), Armenian Revolutionary Federation (6 seats), the Rule of Law Party (6 seats) and The Heritage Party (5 seats).<sup>55</sup> The present government is a coalition between the Republican Party and Armenian Revolutionary Federation since 24 February 2016.<sup>56</sup> A new constitution, which was approved by a referendum in December 2015, will make a change to a parliamentary political system with more powers to the prime minister in 2017.

Several sources stated that the political environment in Armenia is not free and competitive. The political system is very centralised and based on a clan system. The ruling party – the Republican Party – is dominating the political arena, and the government institutions are attached to the party. Political and economic elites are converged, and the political sector is very closely linked to the economic sector and the oligarchs.<sup>57</sup> The Helsinki Committee claimed that many ministers and deputies in the National Assembly are representatives of commercial companies.

According to several sources, elections in Armenia suffer from falsifications and vote bribing, and the conduct of elections has been internationally criticised for several violations.<sup>58</sup> The Helsinki Committee of Armenia noted that there have not been any real elections in Armenia since 1995. Transparency International stated that it is not possible to change the government by democratic means.

#### 2.1.1. Opposition

Several sources stated that the political opposition in Armenia is weak and is not offering a real alternative to the government.<sup>59</sup> According to some sources, the present situation of the opposition is a result of the modern history of Armenian politics.<sup>60</sup> According to the Helsinki Committee, after the elections in 2008, when the circles of power shifted and the former opposition won the election, the former president and his supporters were persecuted. An international organisation (1) noted that the violent crackdown on the opposition in 2008, which resulted in the killing of 10 demonstrators, the former president in house-arrest, and a 20-day state of emergency, is the primary reason for the fragmentation and weakness of the present opposition.

---

<sup>54</sup> 41 seats are elected in single-member constituencies and 90 seats are elected by proportional representation among party lists which have received at least 5% of the votes

<sup>55</sup> Jacques Lecarte: Armenia's political parties and the EU, January 2015, European Parliamentary Research Service, <http://www.europarl.europa.eu/thinktank>, s. 1-2; Freedom House, *Freedom in the World 2015 - Armenia*, 31 March 2015, available at: <http://www.refworld.org/docid/5523d2d070.html> [accessed 2 March 2016]

<sup>56</sup> Radio Free Europe/Radio Liberty, *Anti-Turkish party joins Armenian president Sarkisian's government*, 25 February 2016, available at: <http://www.refworld.org/docid/570cdf688.html> [accessed 2 July 2016]

<sup>57</sup> Helsinki Committee; Representatives of an embassy in Yerevan; International Organisation (1); Transparency International

<sup>58</sup> Helsinki Committee; Transparency International; Western Embassy (1)

<sup>59</sup> Helsinki Committee; Civil Society Institute; International Organisation (1); Representative of an International Organisation (2); Representatives of an embassy in Yerevan; Western Embassy (1)

<sup>60</sup> Helsinki Committee; International Organisation (1)

Many sources noted that there is a general distrust in the political system.<sup>61</sup> Some of the sources highlighted that the political parties do not have any programme or goals, except obtaining power.<sup>62</sup> According to the Helsinki Committee, normally political parties develop their strength, character and structures through their participation in elections, but this has not happened in Armenia, where many of the political parties in reality depend on one person. Civil Society Institute stated that many of the political parties focus on winning one election, instead of building up a platform for a long-term sustainability of the party. The opposition cannot unite behind one candidate, because the parties are personalised.

According to both Helsinki Committee and the Civil Society Institute, the political parties often shift between being part of the government and being in opposition. Many political parties can in a period of time act as opposition and then quickly shift to support the government. This is mainly due to the attractiveness of being aligned with the government, because it will secure minister posts and better financing.<sup>63</sup>

Two sources emphasised that the oppositional political parties are weak due to lack of funding. According to an international organisation (1), there are not many wealthy people who can or will finance the opposition. The Helsinki Committee noted that if people want to finance the opposition, it can only happen in agreement with the Republican Party or in a secretive way.

There are two kinds of opposition groups that are not represented in the National Assembly. Firstly, there is a new movement of younger politicians revolved around the parties Civic Contract/Civic Platform and Bright Armenia, calling for a more democratic and better structured opposition that is not only participating in presidential and parliamentary elections, but also in building a platform through local elections. These parties are trying to mobilise a broader support around the youth and in the pro-European part of the population ahead of the forthcoming elections in 2017.<sup>64</sup>

The other group consists of extra-parliamentarian oppositions groups which are characterised as more radical groups. The most dominant group is the New Armenia Party<sup>65</sup>. According to the Helsinki Committee, the leaders of this party do not believe in political change with (traditional) democratic means, thus calling for a revolution to overthrow the present political regime. The party is quite successful in PR on social media, but the number of supporters has decreased from 2,000-3,000 to 200-300.<sup>66</sup>

---

<sup>61</sup> Helsinki Committee; Civil Society Institute; International Organisation (1); Representatives of an embassy in Yerevan; Helsinki Association

<sup>62</sup> Helsinki Committee; Civil Society Institute; Western Embassy (1); Representatives of an embassy in Yerevan

<sup>63</sup> Helsinki Committee; Civil Society Institute

<sup>64</sup> Civil Society Institute; International Organisation (1) in Yerevan; Western Embassy (1) in Yerevan

<sup>65</sup> The New Armenia Party is also intertwined with the party called Parliamentary Foundation.

<sup>66</sup> Civil Society Institute; Helsinki Committee

### 2.1.2. Activists

#### 2.1.2.1. Civil Society Activists

According to some sources, many people do not see any prospects in the political parties, as they do not believe that they can change anything. It is considered difficult to make one's voice heard, which is the reason, why people protest in the streets.<sup>67</sup>

Other sources stated that Armenia has a vibrant and active civil society. The sources highlighted recent major demonstrations such as the demonstrations against demolition of a historic building in Mashtots Park in 2012; demonstrations against increased prices on public transport in 2013; demonstrations against a pension reform in 2014; and "Electric Yerevan" in 2015, where demonstrators protested against hikes in electricity prices which was considered caused by mismanagement by a state-owned (Russian dominated) electricity company.<sup>68</sup> (See also 2.2)

On the one side, these demonstrations have shown that civil society activists can have an impact, when they focus on specific topics such as devastation of green areas, historic buildings or consumer prices. If the topic is right, it seems that it is possible to mobilise people in the streets. For some this is a sign that people, and not just the youth, is ready for changes.<sup>69</sup>

On the other side, the lack of democratic 'cheques-and-balances' creates a deep mistrust between the government and the civil society. When the government proposes new initiatives, people ask themselves, who is benefiting from the proposals; the society or people who hold the power.<sup>70</sup>

#### 2.1.2.2. NGOs

Several sources stated that the general conditions for NGOs in Armenia are satisfactory. There are many NGOs registered, and they cover many topics from politics and human rights to environmental questions and refugees.<sup>71</sup> Some sources noted that there have been some discussions surrounding a new law on NGOs originating from the general mistrust in the political system.<sup>72</sup> However, the Civil Society Institute stated that the proposed law would make the working conditions for NGOs better, because NGOs would be allowed to have commercial activities, thus minimising the dependence on external donors in financing the activities.<sup>73</sup> Civil Society Institute further noted that the legislation works well; NGOs can easily register and operate.<sup>74</sup>

---

<sup>67</sup> Civil Society Institute; Western Embassy (2)

<sup>68</sup> Anonymous source located in Yerevan; Western Embassy (1); Western Embassy (2)

<sup>69</sup> Civil Society Institute; Helsinki Committee

<sup>70</sup> Representatives of an Embassy in Yerevan

<sup>71</sup> Anonymous source; Civil Society Institute; Helsinki Committee of Armenia; Representative of an International Organisation (2); Western Embassy (1)

<sup>72</sup> Anonymous source; Civil Society Institute

<sup>73</sup> Civil Society Institute

<sup>74</sup> Ibid.

According to some sources, the NGOs have an impact on the political agenda, when they focus on specific topics and are able to put pressure on the government. The greatest effect come when the NGOs unite with the civil society activists as was shown in the demonstrations mentioned above.<sup>75</sup>

According to one source, the government is aware that it needs the NGOs. Firstly, international funding programmes, for instance the European Union's budget-support programmes for the Armenian government, set conditions for the participation of the civil society sector. Thus the external pressure has an influence on the attitude of the government to the NGOs. Secondly, many NGOs play a vital role in the society by organising aid and support to poor and vulnerable people. As an example, the topic of Nagorno-Karabakh can unite many groups in the society that normally disagree. Many NGOs are also focusing on assisting the displaced from Nagorno-Karabakh to settle in Armenia.<sup>76</sup>

Other sources, however, stated that (independent) NGOs do not have a strong voice in Armenia. The government has formal consultations with some NGOs, but a constructive dialogue is not taking place. The NGOs are not seen as a constructive partner by the government, but as an obstacle which only criticise the government and do not contribute to a dialogue.<sup>77</sup>

However, there are many government-supported or government-created NGOs called GONGOs – Governmental NGOs that counterbalance the independent NGOs, and with which the government has some platforms of dialogue.<sup>78</sup>

### 2.1.3. Under which conditions does the opposition work?

Several sources stated that the general conditions for the opposition are fine and that neither the opposition nor the civil society faces persecution from the authorities because of their activities. But the sources noted that there have been incidents in which more radical opposition figures have been arrested.<sup>79</sup>

According to the Helsinki Committee, NGOs and the civil society are neither at risk of persecution nor serious harassment. The present Armenian regime is not totalitarian and the opposition and the civil society can operate freely.

Two sources indicated that the reaction of the authorities would be unpredictable, if the ruling elite's position is threatened. If parties or organisations gain strong popular support, there is a fear that the authorities would resort to persecution. This was, for instance, shown in 2015, when the opposition leader and businessman, Gagig Tsarukyan, disagreed with the RA President concerning the reform of the constitution. The president directed an attack against Tsarukyan that included a threat of prosecution of tax evasions and other crimes, resulting in a destruction of the opposition party Prosperous Armenia.<sup>80</sup>

---

<sup>75</sup> Helsinki Committee; Representative of an International Organisation (2)

<sup>76</sup> Civil Society Institute; Representative of an International Organisation (2)

<sup>77</sup> International Organisation (3) in Yerevan; International Organisation (1) in Yerevan

<sup>78</sup> International Organisation (1) in Yerevan

<sup>79</sup> Civil Society Institute; Helsinki Committee; Representative of an International Organisation (2); Western Embassy (2) in Yerevan

<sup>80</sup> Civil Society Institute; Helsinki Committee

Civil Society Institute mentioned that the behaviour of the police is unpredictable. In some cases violence can be used in demonstrations, and torture or ill-treatment can be applied against detainees. In other cases demonstrations are conducted peacefully, and detainees are not being subject to ill-treatment. However, according to the source, torture or other kind of ill-treatment would not be used by the police against political or prominent persons.

Several sources pointed to the examples of the political activist, Gevorg Safaryan, from the political movement New Armenia, and Vardges Gaspari, when it comes to the authorities' use of Article 316 in the Criminal Code, who according to several of the sources was penalised disproportionately because of his political activities.<sup>81 82</sup>

Some sources noted that anyone could arbitrarily be subject to persecution.<sup>83</sup> According to Civil Society Institute, it depends on numerous factors such as whether the person is able to inspire others to join protests, the cause of the protests (especially anti-Russian protests trigger the authorities); the behaviour of the activist, the mood and temper of the police officer, and whether or not there is a specific instruction of the superior authorities. According to the Helsinki Association, political activists, human rights defenders, and journalists are somehow permanently targeted by the authorities, especially when they criticise the authorities and the ruling elite.

According to the Armenia Lawyers' Association (ALA), political activists can be arrested, but they are quickly released after interrogation. In some cases the arrested can be subjected to administrative liabilities. Some activists claim that they were subjected to violence by the police after arrest, but in some cases the evidence has shown that the police did not use violence, according to the source. The authorities are in general careful in their behaviour with political activists, because journalists, NGOs and other activists are quickly able to draw attention to the conduct of the police.

According to the Prosecutor General's Office, activists often claim that they were arrested or investigated only because of their participation in a demonstration and that they subsequently are persecuted for the political activities. The Prosecutor General's Office denied that it was possible to prosecute a person for being part of a demonstration.

---

<sup>81</sup> Criminal Code of the Republic of Armenia, chapter 30, Crimes against Procedure of Governance, article 316, Violence against a representative of authorities, adopted 18 April 2003, "**Article 316. Violence against a representative of authorities:** 1. Violence or threat of violence, not dangerous for life or health, against a representative of authorities or close relatives, concerned with performance of his official duties, as well as hindrance to the representative of authorities in the execution of duties under law, is punished with a fine in the amount of 300 to 500 minimal salaries, or with imprisonment for the term of up to 5 years; 2. Resistance to the representative of the authorities while in the line of duty or forcing him to perform obviously illegal actions, committed with violence or threat thereof, is punished with a fine in the amount of 300-500 minimal salaries, or arrest for up to 2 months, or imprisonment for up to 1 year; 3. Violence against the persons mentioned in part 1 or 2 of this Article, which is dangerous for life or health, is punished with imprisonment for the term of 5 to 10 years. 4. In this Code, by a representative of authorities we mean, the official of state and self-government bodies who is vested with the power to command to persons who are not under his subordination.

<http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng#11>

<sup>82</sup> Civil Society Institute; Anonymous source, located in Yerevan; International Organisation (1) in Yerevan; Western Embassy (2) in Yerevan; Helsinki Association

<sup>83</sup> Civil Society Institute; Helsinki Association; International Organisation (1) in Yerevan

## **2.2 Freedom of Assembly**

Most sources agreed that people in Armenia are enjoying the right to free assembly<sup>84</sup> and that there are no major obstacles for people to demonstrate, regardless of the topic.

Three sources elaborated that although there is freedom of assembly in Armenia, there are some limitations.<sup>85</sup> Two of the sources explained that according to the law, when a small group of people gathers, there is no need to apply for permission from the municipality. However, in practice, the government is sensitive about a couple of issues concerning the organisation of demonstrations. The authorities do not tolerate demonstrations in the vicinity of the president's office or residence. Further, the police often overreact, in the sense that the number of police officers often is double or three times higher than the number of demonstrators.<sup>86</sup> The Helsinki Committee added that if a demonstration is conducted without permit, or if the demonstrators block the roads, the demonstration will be dissolved by the police. The Helsinki Committee emphasised that it is possible to assemble and demand various changes, and generally the police will not interfere.

Three sources mentioned that there have been cases, when the municipality in Yerevan did not allow the party 'New Armenia' to demonstrate.<sup>87</sup> Civil Society Institute referred to an example, where the party had tried to take advantage of a visit from a foreign head of state in April 2015. The demonstration was not approved, and was dispersed by the police by violence. Some participants were arrested for a short time and then released, but according to Civil Society Institute, it is usually not a problem to be allowed to demonstrate.

Two of the sources<sup>88</sup> also referred to the demonstration arranged by New Armenia around New Year 2015/16 in Yerevan, in which the authorities used violence against civil society activists.<sup>89</sup> When asked if there were any groups or subjects that may not receive a permission to demonstrate, a representative of an International organisation (2) replied that members of the LGBT community and demonstrations regarding LGBT rights would probably not be allowed. The authorities accept NGOs working with LGBT rights, but in the public sphere the acceptance and tolerance towards members of the LGBT community are low. This statement was confirmed by representatives of the Women's Resource Centre, Armenia (WRCA) who explained that generally it is accepted to arrange protest marches, but when a march was arranged on 8 March [International Women's Day], people carrying a poster with the rainbow flag, came under attack from right-wing groups.

The Helsinki Committee elaborated that if the government starts fearing a strong opposition that endangers the present regime and its privileges, persecution and restrictions will eventually happen. The

---

<sup>84</sup> Anonymous source located in Yerevan; Representatives of an embassy in Yerevan; An International Organisation (1); Representative of an International Organisation (2); Women's Resource Centre, Armenia; Helsinki Association; Helsinki Committee;

<sup>85</sup> An International Organisation (1); Helsinki Committee; Civil Society Institute

<sup>86</sup> International Organisation (1); CSI

<sup>87</sup> CSI; Western embassy (2); a representative of an International organisation (2);

<sup>88</sup> The representative of an International organisation (2); Western embassy (2)

<sup>89</sup> See also para 2.1.3

source added that the police, in practice, are free to use excessive force to disperse demonstrations, when they see the need, without legal repercussions, because no police officer will be punished.

### *‘Electric Yerevan’*

Several sources<sup>90</sup> referred to the ‘Electric Yerevan’ demonstrations in the summer of 2015, when people demonstrated against a proposed hike in electricity prices.<sup>91</sup> On 23 July the Police dispersed the demonstration by use of water cannons and violence after one week of good crowd-management, according to one source. According to a Western embassy (1), the reaction of the Armenian authorities was unusual and the authorities overreacted, when the demonstration went outside areas, where the permission to demonstrate was given and people started walking towards the Presidential Palace.

According to Civil Society Institute, activists were systematically detained for a longer period of time in administrative detentions. Violations of the three hours maximum time for administrative arrests have been appealed in courts and in some cases the administrative court adjudicated in favour of the protesters. But the source highlighted that the conduct of the police was not to be compared with countries, such as Russia and Belarus.

The Helsinki Association noted that it was striking that there were only one day with clashes between demonstrators and the police. The calmness of the following weeks was surprising when taking into account that the demonstrators blocked one of the main streets in Yerevan for three weeks. According to the source, the police received instructions from highest echelon of the political structures. The source assumed that “Electric Yerevan” was not a normal demonstration, because it was not organised spontaneously by youth activists and attempts to promote a political agenda were refused by the organisers.

The Prosecutor General’s Office stated that for 10 days demonstrators blocked central Yerevan, blocked the street housing the President’s office, the Constitutional Court, the Parliament – all the important governmental institutions. For that reason the police was compelled to use force – water cannons etc. – to disperse the demonstration and reopen the street. In that context a lot of people were arrested, but no one

---

<sup>90</sup> International organisation (1); Representative of an International organisation (2); Western embassy (1); Western embassy (2); CSI; Helsinki Association;

<sup>91</sup> On June 19, public protests and sit-ins sprung up in Yerevan and elsewhere over a proposed increase in electricity rates. On June 22, police in Yerevan blocked a protest march towards the Presidency, resulting in a sit-in at a major intersection. Police and demonstrators engaged in peaceful negotiations until early on June 23, when police dispersed the crowd, including by use of water cannon at close range. Videos showed police charging after, beating, and detaining demonstrators who were blocks away from the sit-in. Videos also suggested that a group of 40-50 plainclothes police, some wearing “Police” armbands, led by the then deputy head of Yerevan Police, also out of uniform, were responsible for most of the abuses. Many participants were hospitalised. Police detained 237 participants (including women, minors, journalists, and human rights monitors and defenders), mostly in Yerevan, and approximately a dozen in Gyumri, all accused of “hooliganism.” According to media reports, the deputy chief of the national police, Levon Yerosyan, allegedly instructed officers to target journalists and destroy their equipment. Police held some demonstrators for up to 12 hours without clarifying their status, allowing them access to lawyers, or providing medical assistance. Human rights observers accused police of using excessive force to break up the demonstration and of illegally dispersing protesters while not in uniform. USDOS - US Department of State: *Country Report on Human Rights Practices 2015 - Armenia*, 13 April 2016, [http://www.ecoi.net/local\\_link/322512/448287\\_en.html](http://www.ecoi.net/local_link/322512/448287_en.html) (accessed 29 June 2016)

was charged. The people returned to the street and the police then decided to let them continue with the demonstration.

*See 2.3.2 regarding treatment of journalists during the demonstrations.*

### 2.3 Freedom of Speech

The overall picture of the situation in Armenia is that freedom of speech exists to the extent that everyone can freely express his or her opinion in the public or online. People are able to speak freely, and many are active on Facebook, where critical opinions are aired. In general, there are no obstacles to freedom of speech.<sup>92</sup> As an example, one of the sources referred to an ongoing political cabaret in Yerevan which is mocking the government and the politicians without any problems. However, there are certain sensitive issues which cannot be debated openly, and where some degree of self-censorship is imposed. Self-censorship is more related to public opinions than fear of persecution by the authorities.<sup>93</sup>

The sensitive topics which may not be discussed are: the Nagorno-Karabakh conflict; the relations with Turkey and LGBT-issues.<sup>94</sup>

#### 2.3.1 Independent media

Several sources pointed at the internet as the only truly free media in Armenia.<sup>95</sup>

Some media are under influence of financial and political interests, as television and printed media are often owned by people close to the government. Business interests are strong in the advertising sector.<sup>96</sup> According to the Committee to Protect Freedom of Expression (CPFE) which is working with assessing the situation of freedom of speech and the rights of mass media in Armenia, the overall assessment is that the conditions for the media are “not very free”. A reference to the assessment by Freedom House was made in which the media in Armenia are assessed as non-free to semi-free.<sup>97</sup> According to Transparency International the freedom of expression of the media is being influenced by political and economic interests, as the overwhelming majority of news media are private entities.

#### TV

Several sources noted that the television media is to some extent under the influence of - or directly owned by – political parties and the oligarchs.<sup>98</sup>

Three sources underlined that TV is the primary source of information for the majority of the population in Armenia. The sources referred to the fact that one third of the population is poor, and TV channels are free

---

<sup>92</sup> HETQ; A Representative of an International Organisation (2) in Yerevan; Western Embassy (2); International organisation (1); International organisation (3); Representatives of an Embassy in Yerevan; CPFE

<sup>93</sup> Western Embassy (2)

<sup>94</sup> Western Embassy (2); International organisation (1); Representatives of an Embassy in Yerevan

<sup>95</sup> International Organisation (1); Representative of an International Organisation (2); Western Embassy (1); Western Embassy (2); Representatives of an Embassy in Yerevan; CPFE; Civil Society Institute; HETQ

<sup>96</sup> International Organisation (1); Representative of an International Organisation (2); HETQ

<sup>97</sup> The Freedom House evaluation includes an evaluation of the legislation, economy and political pressure and influence

<sup>98</sup> CPFE; Representative of an International Organisation (2); Representatives of an Embassy in Yerevan; Western Embassy (2); Civil Society Institute;

of charge.<sup>99</sup> According to CPFE, the government will continue to have focus on the impact of this media, in order to protect its privileged status.

Some sources explained that the political opposition and the civil society have limited access to TV and have difficulties in getting airtime.<sup>100</sup> It was added that some people will never be invited to the TV-stations, apparently because their opinion is not in line with the official policies, and it is difficult to get a message through that is not in accordance with the government's views.<sup>101</sup>

CPFE explained that censorship is forbidden according to the law, but a concealed or shadow censorship can be observed by journalists. TV is acting in a non-free manner in fear of the consequences. The situation was aggravated in 2002, when a critical TV-channel, A 1+, was deprived of its license. The TV channel gave its bid in a tender, which was biased according to political instructions. The license was revoked in order to promote the government's own channel. The A1+ channel has applied for a license more than 12 times since then, but none of these attempts have been successful, and competitors with much less experience have won instead.

The Helsinki Committee elaborated that the licenses of TV-stations are determined in the National Commission on TV and Radio of Armenia. According to the law, political parties cannot own TV-stations, but it is common knowledge in the Armenian society that the main TV-stations are affiliated with political parties. Diverse TV-stations such as the A1+ have been and still are discriminated when trying to receive nationwide broadcasting rights. Furthermore the same Commission, which decides broadcasting rights, in practice controls the TV-stations.

HETQ stated that, in general, the issue of the real ownership of media companies is not transparent. The majority of the TV-stations are under control of family, friends and relatives of the RA President or oligarchs connected with the ruling party – The Republican Party. On paper it seems to be a normal ownership, but in practice the ruling elite and the presidential family are hiding their ownership behind different names.

In 2012 a new situation occurred when some of the political parties withdrew from the government coalition. According to CPFE, elites from these parties owned TV stations, which remained in operation.

The four major TV-channels are politically represented as follows: TV Ararat – Republican Party; Yerkir Media – Armenia Revolutionary Federation; H3 - Renaissance Armenia/Rule of Law Party and TV Kentron – Prosperous Armenia. All other channels are basically loyal to the government.<sup>102</sup> CPFE underlined that privately owned TV channels are not less pro-government, and in spite of multi-party TV channels, all channels praise the government. Non-government TV channels know that if they should exceed the permitted dose of criticism, they may be subject to the same fate as the A1+ channel.

HETQ similarly noted that there are limits on how much TV channels owned by the opposition can criticise the government and the president merely, because the criticism may affect their possibility to broadcast. In general TV-stations can be critical to the power circles of the government and the ruling party. But they

---

<sup>99</sup> Civil Society Institute; CPFE; Helsinki Committee

<sup>100</sup> Western Embassy (2); Helsinki Committee; WRCA

<sup>101</sup> Helsinki Committee; WRCA

<sup>102</sup> CPFE; Civil Society Institute

exert immense self-censorship when it comes to criticism of the RA President. In addition, advertising and commercial companies – a lucrative source of income – is under the control of the ruling elite, and contents of advertisements often reflect the views of the owners.

### *Print media*

Several sources underlined that the circulation of newspapers in Armenia is limited and dependent on commercial advertising.<sup>103</sup>

HETQ elaborated that the organisation has evidence that some printed media belong to members of political parties. The newspapers have almost no commercials and a small number of subscribers, which would normally not be enough to sustain the editing, but the papers still exist and express pro-government point of views. CPFE added that the most popular newspapers are printed in 3,-4,000 copies and have only a small impact. Generally, few people buy local newspapers. According to CPFE, print media is in the worst condition as regards dependence. The papers are distinctly segregated and serve the interests of either the ruling power or the sponsors, not the general public. Almost all newspapers created their own online-version, but most of the newspapers have not been very successful in attracting readers online.

The Helsinki Committee stated that even though the law states that political parties cannot give money to or own newspapers, many newspapers are tainted, and under the influence of political and commercial interests. The Helsinki Committee mentioned that some oligarchs deliberately give money to newspapers in order not to be mentioned in a negative article. Similarly, Transparency International stated that in the case of printed media, the advertising market and other financing opportunities are weak, and these media may have let persons pay for articles or pay for not publishing articles.

### *Social Media*

Several sources underlined that the social media are very active and very vibrant in Armenia and not necessarily in line with the government. The authorities do not block or censor the content of the online media.<sup>104</sup> According CPFE, there are around 400,000 active Facebook users who include the active and educated part of the population. Every fifth to sixth person in Armenia is a Facebook user.

According to representatives of an Embassy in Yerevan, the social media are more important than other media for the political debate in the society. There is no censorship online, as the government feels secure in their power and does not worry about discussions in cyberspace. On the other hand, the discussions do not influence the government, and people see no possibility for the opposition to affect the government.

However, according to HETQ, there is clear evidence that the ruling elite is struggling to control the public debate, as the government is trying to manipulate the public opinion by investing huge amounts of money in websites that participates in the public debate. CPFE elaborated that the political powers in Armenia are using the social media as a tool to influence public opinion, and the intensity rises in connection with elections. Personal assistants of politicians are posting information online every day. CPFE further explained that although the social media in Armenia are free, and there is no censorship online, the

---

<sup>103</sup> CPFE; HETQ; Helsinki Committee; Representatives of an Embassy in Yerevan

<sup>104</sup> Western Embassy (1); Western Embassy (2); Civil Society Institute; A Representative of an International Organisation (2) in Yerevan; Representatives of an Embassy in Yerevan; HETQ; CPFE

authorities will be able to manipulate information in their own way, including paying people to influence the general public. The opposition is also doing its own PR. The source concluded that on the one side there is no online censorship, but on the other side the openness also means that some information placed online is not trustworthy.

Civil Society Institute mentioned that there are also online broadcasting of foreign media as for instance Radio Free Europe/Radio Liberty and Armenian broadcasting by companies which have not been able to obtain a license in Armenia, as for instance A1+.

### 2.3.2 Situation for journalists

According to several sources<sup>105</sup> journalists are not in general a vulnerable group. Mostly they are able to do their work without being hampered or otherwise targeted by the authorities. Depending on the situation, some critical journalists have experienced direct targeting in order to prevent them from publishing a critical story.<sup>106</sup> However, ill-treatment of journalists by the authorities does not happen routinely.<sup>107</sup>

A representative from an international organisation mentioned that it is noticeable that violence against journalists becomes prevalent just before, during and after election campaigns. During elections journalists have been obstructed in their work, and equipment, incl. cameras or recordings, have been destroyed. Threats to terminate their opportunity to broadcast have also been given. Two sources<sup>108</sup> mentioned that journalists during the referendum for the Constitutional Reform in December 2015 were complaining about the authorities hampering their work.

Several sources<sup>109</sup> pointed at the violent targeting of journalists on 23 June 2015, when the police dispersed the 'Electric Yerevan' demonstrations. Journalists were beaten by the police and recordings of police violence were deliberately deleted. Two sources<sup>110</sup> explained that journalists and camera men were hunted down and received clear instructions on not to spread information on the event. Some of the journalists were detained, even though they clearly stated that they were media workers and showed their press cards. There was plenty of evidence available on the social media, showing how the police were beating up journalists and demolishing their equipment. The case of 13 journalists and cameramen, who became victims of brutal physical violence, has been reported to the Special Investigative Service in the police, but after nine months the case is still pending. The Chairman of CPFE stated that he would not be surprised, if the case is closed without further investigation. According to CPFE, it was clear that the reaction of the police on 23 June 2015 was in accordance with instructions from higher officials. CPFE further emphasised that the brutal battery and serious physical violence used against journalists on 23 June 2015, as well as the clear instructions to prevent the spread of information, was unprecedented in Armenia.

The Prosecutor General's Office stated that the police conduct towards journalists during the demonstration, including confiscating equipment, deleting memory cards etc. only happened during the

---

<sup>105</sup> Helsinki Committee; Anonymous source located in Yerevan; representative of an international organisation (2); HETQ

<sup>106</sup> Helsinki Committee; CPFE

<sup>107</sup> CPFE

<sup>108</sup> CPFE; Anonymous source located in Yerevan

<sup>109</sup> CPFE; HCA; Anonymous source located in Yerevan; ; HETQ

<sup>110</sup> CPFE; HETQ

first day. There were 20 registered journalists claiming their work had been hindered by the police. All the equipment has been compensated and the responsible police officers have either been brought on disciplinary sanctions or are undergoing criminal investigation.

HETQ mentioned that as a general rule, the authorities do not prosecute cases of violence or cases related to the hampering of journalists' work, as they claim it does not have the composition of a crime. There have been some cases of assaults of journalists, but the cases never reached the court. When journalists complain to the police, the result is most often that nothing happens. Only in very few obvious cases, it may result in an in-house investigation, and the police will use internal disciplinary measures against certain officials, i.e. degradation. If a case comes to court the case is also often rejected by the judges. There are some lawyers who are recording cases against journalists and who submit the cases before the ECHR with a claim that these cases are not investigated and intentionally closed. HETQ referred to the case of the journalist Ani Gevorgyan<sup>111</sup>, who in two incidents during 2014 was obstructed and violently targeted by the police while covering news events. Her case was dismissed by the Armenian courts, but the European Court of Human Rights accepted her case in December 2015.

According to an international organisation (1) journalists are often ignored, if they try to complain through the legal system. The judiciary is not independent, and if a judge decides against the ruling elite, it could have severe career consequences. According to CPFE there have also been cases where journalists have been met with counter-filing of cases and accusations of defamation after the court's dismissal of the journalists' initial complaints.

### *Self-censorship among journalists*

Several sources mentioned that self-censorship is prevalent among journalists.<sup>112</sup> CPFE elaborated that journalists are compelled to comply with "the rules of the game", as media are divided by different political powers and business interests. Journalists are thus working for business interests rather than people's interest or their own interest. HETQ added that often it is taboo for a journalist to criticise the owners of his/her workplace.

Some sources pointed at sexual minority groups (LGBT) as a topic where journalists and society in general exercise self-censorship.<sup>113</sup> CPFE elaborated that this topic is sensitive to the general public, and journalists may face problems, if they try to protect this group. However, HETQ referred to the social media which are not reflecting this situation. The LGBT-community has their own websites, often driven by NGOs that represent their position.

The same source mentioned that the role of the Armenian Apostolic Church and the army, were sensitive issues years ago, but now it is more open, and there have been reports on child molestation among the

---

<sup>111</sup> Journalist Ani Gevorgyan's complaints concerning excessive use of force by police, obstruction of her work and lack of redress for her complaints was rejected by the Court of Cassation. After the exhaustion of all attempts to obtain a remedy through the Armenian justice system, on 3 December 2015 her case was referred by her lawyers to the European Court of Human Rights, Council of Europe, *Lack of Effective Investigation into Police Violence and Obstruction of journalists' Work*, All Media Freedom Alerts, Update 29 February 2016, <http://www.coe.int/en/web/media-freedom/all-alerts>

<sup>112</sup> CPFE; Helsinki Committee; HETQ;

<sup>113</sup> CPFE; Helsinki Committee; HETQ

clergy. With the spread of the internet such information cannot be hidden, as it will always appear somewhere on the net.<sup>114</sup>

Other sources found that the most sensitive topic for journalists to cover is corruption scandals involving high ranking officials.<sup>115</sup> However, journalists nevertheless write about these topics extensively. One of the sources further emphasised that the Mass Media Law provides good protection of confidential sources of information.<sup>116</sup>

A representative of an international organisation (2) mentioned that there are a few investigating journalists in Armenia working for HETQ. HETQ has been very vocal and very critical in reporting on violations by high ranking officials, but this has not had any consequences for the media or for the journalists. Another source mentioned that there is no tradition for an investigative and critical journalism in Armenia and the journalists more often struggle with the fact that no one cares, when they write critical articles.<sup>117</sup> This was confirmed by the representative from HETQ, who stated that critical, investigative journalists want to see some kind of feedback to their articles, but instead they are met with indifference and silence. As an example, she referred to the present reporting on the Nagorno-Karabakh situation and how the Ministry of Foreign Affairs is dealing with it.

---

<sup>114</sup> HETQ

<sup>115</sup> Anonymous source located in Yerevan; CPFE

<sup>116</sup> Anonymous source located in Yerevan

<sup>117</sup> Western Embassy (1)

### 3. Vulnerable groups in Armenia

Some sources considered that women in general are a vulnerable group.<sup>118</sup> A representative of an international organisation (2) mentioned that a couple of years ago (2013) NGOs working with gender equality, LGBT and domestic violence received threats and were targets of hate speech. Women's Resource Centre, Armenia (WRCA) further explained that the majority of people in Armenia are generally copying Russian values. In the capital and regions, women activists are considered "enemies of the nation" who will destroy the family. It is also believed that women organisations are promoting homosexuality and want to change the sexual orientation of young girls.

WRCA explained that a Russian-inspired pro-family campaign was launched in Armenia in 2013, when the negotiations of a possible Association Agreement with the EU were ongoing. As in many neighbouring countries, a Parent Committee was formed, and the Committee was responsible for an online campaign targeting the gender debate against equal rights and LGBT rights. Hate speeches were spread on the social media against women activists dealing with domestic violence. Also some women activists from the WRCA were at that time targeted with hate speech and threats by right-wing nationalistic groups, who threatened to blow up the centre.

#### 3.1 LGBT

Many sources emphasised that people belonging to the LGBT community constitute one of the most vulnerable groups in Armenia.<sup>119</sup>

PINK<sup>120</sup> which is a NGO working with empowerment of the LGBT community in Armenia, emphasised that homosexuality is not forbidden in Armenia, but there is no law to protect LGBT persons, if they are attacked. The absence of anti-discrimination legislation and any general policy to combat discrimination foster an improper investigation in crimes against LGBT people. Other sources also pointed at the lack of a law on discrimination in Armenia to protect sexual minority groups. The sources mentioned that formally, steps have been taken to fulfil this requirement, but so far it has faced difficulties. The international community has promoted drafting, consultations and adoption of such law.<sup>121</sup> One source elaborated that the LGBT community is especially vulnerable to hate speech in the media. There are NGOs and activists that try to follow up on such cases in the court system, but hate speech is not included in the Criminal Code.<sup>122</sup>

PINK further emphasised that there is no public support for LGBT groups in Armenia. At hearings in the National Assembly on issues related to LGBT, Armenian politicians will deliver homophobic speeches. There is no political will to change the situation. During the 2015 changes to the RA Constitution, same-sex marriages were banned in the new Constitution. Previously, there had been no mentioning of same-sex marriages in the RA Constitution.

---

<sup>118</sup> Helsinki Association; WRCA; Armenian Lawyers Association

<sup>119</sup> An anonymous source located in Yerevan; Representatives of an Embassy in Yerevan; Western Embassy (1); Helsinki Committee; Helsinki Association; WRC; Western Embassy (2); PINK

<sup>120</sup> PINK – Public Information and Need of Knowledge

<sup>121</sup> An International Organisation (1); a Western Embassy (2)

<sup>122</sup> An anonymous source located in Yerevan

Representatives of two embassies in Yerevan confirmed that there is hardly any public discussion about the situation for LGBT persons in Armenia.<sup>123</sup> One of the representatives noted that the situation for the LGBT community can be compared to the situation for this group in Russia. However, there is not as much hate speech and violence against this group in Armenia compared to Russia.<sup>124</sup> According to some sources the problem for sexual minorities in Armenia is that the society is dominated by the Armenian Apostolic Church which, in accordance with the majority of the society, promotes traditional, conservative views on especially family values. In theory, there is no law that directly bans homosexual behaviour, but the general hostility in the society towards LGBT creates a lot of problems for the community.<sup>125</sup>

If LGBT persons are open about their sexuality they will be under constant threats and subject to violence, according to several sources.<sup>126</sup> Open LGBT persons are subjected to discrimination in workplaces often leading to dismissals. CSI added that the LGBT community experience severe restrictions in almost every aspect of their lives, including access to higher education, employment, political and social life. The discrimination is not open, the employers, schools and universities use various convenient excuses to exclude unwanted employees and students. PINK stated that LGBT persons can only have a life in Armenia if they are not open about their sexuality. For that reason, many gay people marry into heterosexual marriages in order to avoid being targeted. Socially, lesbians are more accepted than gays and the attitude towards lesbians are less hard than towards gays. The most vulnerable group is the transgender group. Crossdressers are seen as being gay and hence targeted.

Several sources referred to an attack on a pub (DIY bar in Yerevan)<sup>127</sup> owned by a homosexual person which was set on fire in May 2012.<sup>128</sup> The bar was known as a gathering place for the LGBT community. The case has gone through all court instances in Armenia and has not been defined as a hate crime. PINK has forwarded the case to the ECHR in 2015, and the case has been accepted but is not yet communicated.

Some sources also referred to a Diversity March held in Yerevan in 2012 which was met by a group of young ultra-nationalists which led to confrontations.<sup>129</sup> PINK elaborated that around 2012 there was a pattern of hate crimes against LGBT persons in Armenia, organised by ultra-nationalists groups. The “Diversity march” in May 2012 was interpreted as a “gay parade” which caused expressions of aggression on homophobic basis. After 2012, PINK Armenia has strengthened its security measures.

Two sources mentioned that ultra-nationalists are on the rise in Armenia, and especially in spring 2016 with the crisis in Nagorno-Karabakh the expectations are that nationalistic rhetoric will increase and have a negative impact among others on the LGBT community.<sup>130</sup> Recently, in March 2016, - two staff members of PINK and three other LGBT persons were attacked in the street close to PINK’s office. The case was reported to the police and is still pending. The anticipation is that the police will not investigate the case,

---

<sup>123</sup> Representatives of an Embassy in Yerevan; Western Embassy (1)

<sup>124</sup> Representatives of an Embassy in Yerevan;

<sup>125</sup> Helsinki Committee; Helsinki Association; Civil Society Institute; PINK

<sup>126</sup> Helsinki Committee; Helsinki Association; CSI; PINK

<sup>127</sup> See also: Institute of War and Peace Reporting, *Gay Rights under Attack in Armenia*, 25.05 2012, <https://iwpr.net/global-voices/gay-rights-under-attack-armenia>

<sup>128</sup> Helsinki Committee; Helsinki Association; PINK

<sup>129</sup> Civil Society Institute; PINK

<sup>130</sup> Civil Society Institute; PINK

and most likely the case will close without further investigation.<sup>131</sup> PINK also mentioned that although the address of the office is not generally known - only to people in the LGBT community – homophobic groups approach the office with threats or harassment. Neighbours to the office are also being approached in order to encourage them to complain about the existence of the office.

### *Protection from state actors or others*

The representatives of PINK were not confident, whether the police would provide protection if the organisation called for assistance. On one hand, the police did provide support during the 'Diversity March' in May 2012, but on the other hand, the police generally treat LGBT persons badly, if they come to report an incident. Some LGBT persons are reporting cases, but most people do not. Some people have been mocked by the police and treated badly. In addition, the person in question may not be certain, whether the police will not reveal information about the case to his/her family. As an example, PINK referred to a case in 2014, where a transgender person was attacked and beaten by five people in Sakharov Square. The person said she called the police, but the police stated that she was a prostitute and was subsequently fined for that reason. The actual report on physical abuse was never investigated. Even though the LGBT minority group generally is not a target of the Armenian Police, the victims have no possibility to seek protection with the police or in the legal system, because these systems fear the public opinion, if they help this minority group, according to some sources.<sup>132</sup>

According to PINK there are no shelters for LGBT persons who need protection. The attitude of many families is not supportive, and LGBT persons may risk retaliation from their own families. People in Armenia are in general connected to their family for financial reasons. However, the LGBT community sticks together and there are host some families who can provide shelter, if needed.

The Ombudsman stated that sexual minorities are a vulnerable group. The Ombudsman has had very few cases relating to a sexual minority, but usually these minorities live hidden in communities and without disclosing their sexual identity. The complaints from these groups are most often presented through NGOs and concern discrimination in the educational sector, at workplaces and ill-treatment from healthcare personnel and in law enforcement bodies.

In general, cases concerning LGBT persons do not go to court. LGBT persons do not want to promote cases, as they do not want to be disclosed. Anytime a case becomes public, there is a risk of retaliation from ultra-nationalists groups. PINK found that there is no support from the Ombudsman, as he has no power to deal with this issue. However, last year (2015) PINK forwarded three cases to the European Court of Human Rights (ECHR). Two of the cases are related to the firebombing of the DIY bar in Yerevan on May 8, 2012 (ref. above) concerning anti-LGBT writings and hate speech from politicians and public figures. The third case is related to an Armenian newspaper, affiliated with the Republican Party, which published homophobic articles declaring LGBT persons "Enemies of the State" and naming of 60 LGBT-activists on a black list.<sup>133</sup>

---

<sup>131</sup> PINK; WRCA

<sup>132</sup> Helsinki Committee; Helsinki Association

<sup>133</sup> In an interview on 18 May 2012, deputy speaker of the National Assembly Eduard Sharmazanov was quoted in relation to the incident: "As an Armenian citizen and member of a national-conservative party, I find the rebellion of the two young

Some sources noted that the situation for the LGBT community is improving, yet slowly and without support from the authorities. Now there are registered NGOs working on defending sexual minority rights, and in the social media there are discussions on LGBT issues.<sup>134</sup> PINK elaborated that the organisation has no direct communication with politicians in Armenia on LGBT issues, as the topic is taboo. The organisation relies on international support. However, PINK found that there is hope for the younger generation, and that there may be a change in the attitude towards LGBT in future. Compared to five years ago the situation is improving, and LGBT issues are now more visible. LGBT groups receive some support from street activists and solidarity from feminists groups. Asked about the limits of LGBT activities in Armenia, PINK answered that a Pride Parade could definitely not take place in Armenia as it would be far too risky for the participants.

### 3.2 Victims of Domestic Violence

According to several sources domestic violence is widespread in Armenia, especially in the rural areas. The sources pointed out that Armenia is a conservative country with a strong patriarchal society and not very sensitive to the issue of violence against women.<sup>135</sup> An international organisation (1) explained that it is difficult to report domestic violence. Even though the authorities state that there are female police officers, these have not been observed at rural police stations. Male police officers in rural areas will often be a friend of the offending husband. When reporting domestic violence, women can be subject to victim-blaming – that is the women could be accused of being the cause of troubles, since the general opinion is that domestic violence is more or less normal. In general, domestic violence is considered a family matter.

Two of the sources emphasised that it is difficult to obtain realistic statistics on victims of domestic violence, since the police only keep track of official cases. Since domestic violence is not criminalised as such, the statistics are included in other criminal offences such as violence, homicide etc. Furthermore, it is believed that there are a large number of unreported cases. The sources emphasised that 30 women have been killed in Armenia within the last years due to domestic violence.<sup>136</sup>

WRCA further elaborated that women who report domestic violence are in a difficult situation, as they may have their children taken away from them, and they may also risk retaliation from their families and husbands. Only in rare cases, the women's own family will support the woman, but otherwise it is considered a shame for the family. Women who report domestic violence may end up having nowhere to go. The issue of inflicting shame on the family is an important factor in the Armenian society.

WRCA referred to two recent cases of women who were stabbed to death by their husbands. In both instances the women had previously reported their case to the police. The punishment given to the

---

*Armenian people against the homosexuals, who have created a den of perversion in our country and have a goal of alienating the society from its moral values, completely right and justified. Those human rights defenders, who are trying to earn cheap dividends from this incident, I urge them first and foremost to protect the national and universal values."*, ArmeniaNow.com, 18 May 2012,

[https://www.armenianow.com/society/38162/diy\\_gay\\_lesbian\\_club\\_bomb\\_attack\\_yerevan\\_reactions](https://www.armenianow.com/society/38162/diy_gay_lesbian_club_bomb_attack_yerevan_reactions)

<sup>134</sup> Helsinki Committee; Helsinki Association; Civil Society Institute

<sup>135</sup> An International Organisation (1); WRCA; a Western Embassy (1); a Western Embassy (2); Helsinki Association

<sup>136</sup> An International Organisation (1); WRCA

husbands were three years in prison, as it was seen as a passionate crime. However, if the woman kills the husband, it is not seen as a passionate crime.

### *Protection of victims*

Several sources referred to a legislative gap in Armenia, as there is no law criminalising domestic violence.<sup>137</sup> Two sources mentioned that in 2013 (when Armenia was negotiating with the EU), a law criminalising domestic violence was proposed, but not approved. Women organisations and the international organisations are at present lobbying for a new attempt to approve the law. The government has been reluctant to discuss domestic violence and gender equality related issues.<sup>138</sup>

There are no public shelters for victims of domestic violence. In all Armenia, there are only two shelters available to female victims of violence, and they are run by NGOs and located in Yerevan.<sup>139</sup>

WRCA explained that the two shelters can house altogether 15 women and their children. They are often full, and women then have no other option than to rent a house. The shelters are run by and financed by two NGOs: the Women's Support Centre and the Women's Rights Centre. In seldom cases women have been referred to a shelter by the police. There have been cases, where husbands of the victim were related to the government or to oligarchs. In one such case, the NGOs assisted the woman to leave for Tbilisi in Georgia. There have also been cases where the police have leaked the women's address to the husbands, and the husbands have shown up at the shelter. However, the police are trying to be better in handling these situations now, and the situation has improved compared to ten years ago. According to the Helsinki Association, the police can assist in case of domestic violence.

Few sources found that in general the issue of domestic violence is a bit over-reacted.<sup>140</sup> According to IOM, there is a problem, but it is not that big, and women in Armenia in general do not face violence. IOM recognised that the law enforcement authorities lack the knowledge and the proper training to deal with such issues, and that facilities for women are also missing. IOM would not deny that the problems exists, but found that the fact that people live in extended families with parents and brothers would also provide mechanisms within the families, which could prevent violence. The Chamber of Advocates stated that there are numerous NGOs providing protective measures towards women. Women are more well-informed today and will probably be more reluctant to tolerate violence and violent behaviour. Similarly, the Association of Judges stated that NGOs provide legal aid to the affected women, and some cases have been brought up in the media, but the problem is not seen as urgent.

### **3.3 Religious minority groups**

Some sources mentioned that Jehovah's Witnesses constitute a vulnerable group in the Armenian society.<sup>141</sup> One of the sources referred to a risk for this group to be targeted if members distribute materials in the street. The source further referred to the situation for teachers who belong to Jehovah's Witnesses and who may lose their job, if the school is informed that they are Jehovah's Witnesses. The

---

<sup>137</sup> An anonymous source located in Yerevan; WRCA; an International Organisation (1); An International Organisation (2);

<sup>138</sup> An International Organisation (1); WRCA

<sup>139</sup> An anonymous source located in Yerevan; An International Organisation (1); WRCA; Western Embassy (2) in Yerevan

<sup>140</sup> IOM; Association of Judges; Chamber of Advocates

<sup>141</sup> Representatives of an Embassy in Yerevan, WRCA

source also mentioned that children of Jehovah's Witnesses are forced to participate in religious education, incl. the history of the Armenian Apostolic Church in the school.<sup>142</sup> An international organisation in Yerevan (3) mentioned that there have been cases of refugees who were Jehovah's Witnesses and were rejected by State Migration Service based on the opinions of the National Security Service.

Other sources found that the situation for Jehovah's Witnesses has significantly improved since 2013. After Jehovah's Witnesses had a success with a new law on alternative military service, their problem with military service is now eliminated.<sup>143</sup> One of the sources mentioned that Jehovah's Witnesses is a strong and internationally backed community, which had been able to solve their case regarding an alternative military service in the ECHR.<sup>144</sup>

Several sources mentioned that other religious minorities such as the Yezidis are recognised as a minority group and have equal rights.<sup>145</sup> The minority group represents 2-3% of the Armenian population and receives certain attention and assistance. The sources found that the group does not constitute a vulnerable group as such.

One source referred to reports on discrimination against Islamic minorities and the Yezidi minority for religious reasons. According to the source, the Yezidi minority complains that they are not provided positions in decision-making bodies at central and local level, that they lack financial resources for their civil society organisations and that they are not provided with sufficient space in the media.<sup>146</sup>

The Helsinki Committee found that persons who choose to abandon the Armenian Apostolic Church either to join another religion or because they are atheists, are vulnerable. According to the source, these people are subject to discrimination, hate speech and in extreme cases violence from the society. They cannot seek protection from state actors, because the police and the court systems will not touch their cases due to societal pressure.

---

<sup>142</sup> WRCA

<sup>143</sup> Helsinki Association; Helsinki Committee

<sup>144</sup> Helsinki Committee

<sup>145</sup> Representatives of an Embassy in Yerevan; International Organisation (3); IOM

<sup>146</sup> International Organisation (1)

## 4. CITIZENSHIP

Since the independence of Armenia in 1991 the question of citizenship has dominated the Armenian political agenda. Since 1995 the law has been changed eight times, primarily out of consideration for the big Armenian diaspora and the refugees from the war in Nagorno-Karabakh. Among the changes the authorities introduced a rather liberal law on dual citizenship in 2007 and later a simplified procedure for ethnic Armenians to obtain Armenian citizenship.<sup>147</sup>

During the visit of the Danish Immigration Service (DIS) to Armenia, several sources referred to a handbook<sup>148</sup> with frequently asked questions concerning persons (ethnic Armenians) displaced from Syria to Armenia, published by UNHCR and the Chamber of Advocates, which among others explains the general rules of applying for and obtaining citizenship in Armenia.

*The full text of the handbook is attached to this report [See Appendix 4].*

### 4.1. Application in/outside Armenia

The majority of the sources consulted by DIS in Armenia stated that an application for Armenian citizenship can be submitted both outside Armenia, at Armenian diplomatic missions and consular services in a foreign country, and inside Armenia at the Passport and Visa Department of the Police of the Republic of Armenia.

According to the UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS (UNHCR Handbook) a person, when applying for Armenian Citizenship, shall “*personally submit an application to the Armenian diplomatic mission or consular service in a foreign country or, on the territory of the Republic of Armenia – to the Passport and Visa Department of the RA Police, which is the authorised state governance body in the frame of the RA Police*”<sup>149</sup>.

The Passport and Visa Department of the Police and the Minister of Diaspora added that the applicant must be physically present to submit his/her application in order to be able to answer possible questions. Every applicant without exception has to pay a fee of 1.000 AMD (approx. 2 USD) when applying for a citizenship.

According to several sources, the application for citizenship will be processed within six months by the Ministry of Foreign Affairs and the National Security Service. After this process, the application will be forwarded to the President, who will sign a decree on granting Armenian citizenship.<sup>150</sup>

If a person is granted Armenian citizenship outside Armenia, he/she will have to travel to Armenia to collect the Armenian passport at the Passport and Visa Department of the Police. However, if the person is an ethnic Armenian from Syria, Lebanon or Iraq, the passport can be collected at an Armenian diplomatic mission or consulate in these countries.<sup>151</sup> (See also 2.6)

---

<sup>147</sup> Country Report: Armenia, European University Institute. EUDO Citizenship Observatory, December 2010: <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=Armenia.pdf> p.2

<sup>148</sup> UNHCR & Chamber of Advocates: “HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS – For persons displaced from Syria to Armenia,” Sept. 2014, [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf)

<sup>149</sup> Ibid. p. 10; RA Government decree No- 1469-N, adopted 22 November 2012

<sup>150</sup> UNHCR HANDBOOK, p. 10; Passport and Visa Department of the RA Police; Ministry of Diaspora

<sup>151</sup> Passport and Visa Department of the RA Police; Ministry of Diaspora

## Armenia: State actors, political situation vulnerable groups and citizenship

---

According to the Passport and Visa Department of the Police, there is no appeal, if an application for citizenship has been rejected by the president. If an application is rejected, no reason will be given, as it is an exclusive power of the President. The respective person shall be allowed to re-apply after one year from the date of rejection.<sup>152</sup>

### 4.2. Requirements to documentation

The following documents are needed to apply for Armenian citizenship:<sup>153</sup>

- *Application;*
- *Passport and a copy of the passport;*
- *6 (colour) photographs of 35 x 45 mm size;*
- *Birth certificate and a copy of the birth certificate;*
- *Marriage certificate and a copy of the marriage certificate;*
- *The spouse's passport and a copy of the passport, or a certificate of the spouse's citizenship;*
- *Birth certificate of the child and a copy of the certificate, or the certificate that certifies RA citizenship;*
- *Residence certificate of a stateless person and a copy of the certificate, or the travel document and the document certifying RA residence status and copies of these documents;*
- *Any of the documents certifying that the applicant is of Armenian origin (in case of applicants of Armenian origin);*
- *Document certifying the payment of the state fee (AMD 1000)*

The Passport and Visa Department of the Police confirmed the requirements listed above.

### 4.3. Possible test of language and constitutional skills

According to the Passport and Visa Department of the Police, a person, who is not ethnic Armenian, not married to an ethnic Armenian nor has a child of Armenian origin, will need to prove that he/she has lived in Armenia for three years and that he/she knows the Armenian language and has knowledge of the Armenian Constitution, when applying for Armenian citizenship. The knowledge of Armenian language and the Constitution will be tested through a government approved online test, based on a questionnaire in Armenian. If the applicant can reply to minimum 50% of the questions in the test, it is considered that he/she has sufficient knowledge of the Constitution and is able to understand and express him/herself sufficiently in the Armenian language. If the test is not passed the first time, the applicant can re-apply to take the test for an unlimited period, until he/she has passed the test. An applicant who is married to an Armenian citizen or has a child who holds Armenian citizenship, is not obliged to take an Armenian language test, but will have to take the Constitution test.

### 4.4. Mixed marriage and children of mixed marriages

Several sources consulted by the delegation stated that the law allows mixed marriages between ethnic Armenians and non-Armenians. Furthermore, the same sources stated there are no obstacles in the law for a non-Armenian-spouse to obtain citizenship.<sup>154</sup>

---

<sup>152</sup> Passport and Visa Department of the RA Police; UNHCR *HANDBOOK*, p. 10

<sup>153</sup> UNHCR *HANDBOOK*, p. 9; RA Government decrees No. 1522-N (adopted on 29 November 2012) and No. 1390-N (adopted on 23 November 2007)

However, all sources consulted on this subject confirmed that a marriage between an Armenian citizen and an Azerbaijani citizen would be problematic. Two sources stated that such a marriage was not uncommon before 1991.<sup>155</sup> Some sources underlined that the problem was not the legislation, but that the society would neither accept nor tolerate such a marriage.<sup>156</sup> The Helsinki Committee explained that the implications in practice of such a marriage would be difficult both in relation to the authorities and in relation to the society itself. According to the Minister of Diaspora, the reason for the lack of a societal acceptance lies in the political climate in both countries, caused by the armed conflict in Nagorno-Karabakh.<sup>157</sup>

An International Organisation (3) in Yerevan explained that even though the Armenian authorities allow such marriage, a mixed Armenian-Azerbaijani couple would in the end choose not to live in Armenia, because of the lack of possibilities to get a job or the risk of harassment in the society, such as for instance in the children's schools etc.<sup>158</sup>

According to two embassies in Yerevan, a mixed marriage between an Armenian citizen and an Azerbaijani citizen would at present be unheard of. According to one of the embassies, no such couples are living in Armenia today, nor would any such couple come to live in Armenia.<sup>159</sup>

According to a Western Embassy (1), it would be highly unlikely that a person from Azerbaijan would be able to obtain citizenship in Armenia.<sup>160</sup> According to the International Organisation for Migration (IOM), such people would be able to obtain citizenship according to the law, but IOM did not have knowledge of any cases being granted or refused citizenship on this ground probably due to the non-existence of such cases.<sup>161</sup>

According to the Helsinki Committee (HCA) and the Armenian Lawyer's Association (ALA) there could be some cases of mixed marriages between Armenian and Azerbaijani citizens, but both organisations stated that the existence of such marriages would often be claimed in asylum matters with the purpose of obtaining citizenship or residence in another country. According to the Helsinki Committee there had been several cases of falsified documents in relation to mixed marriages with Armenian and Azerbaijani couples.<sup>162</sup>

### 4.5. Children of mixed marriages

According to the UNHCR Handbook, children's possibilities to obtain Armenian citizenship, if parents have Armenian citizenship, are subject to the following conditions:<sup>163</sup>

---

<sup>154</sup> An anonymous source located in Armenia; Representatives of an Embassy in Yerevan; Helsinki Committee

<sup>155</sup> Ministry of Diaspora; Helsinki Committee

<sup>156</sup> Ministry of Diaspora; Armenian Lawyers Association

<sup>157</sup> Helsinki Committee; Ministry of Diaspora; An anonymous source, located in Armenia; IOM

<sup>158</sup> International Organisation (3) in Yerevan

<sup>159</sup> Representatives of an embassy in Yerevan; Western Embassy (1)

<sup>160</sup> Western Embassy (1)

<sup>161</sup> IOM

<sup>162</sup> Armenia Lawyers Association; Helsinki Committee

<sup>163</sup> UNHCR *HANDBOOK*, p. 11-12

- *A child under the age of 14 whose parents have acquired RA citizenship shall acquire RA citizenship automatically*
- *If the parents have acquired RA citizenship, their children of 14-18 years of age shall acquire RA citizenship in case of their written consent.*
- *If one of the parents has acquired RA citizenship, while the other is a foreign citizen or a stateless person, the child shall acquire RA citizenship, if both parents consent, or if the child resides on the territory of the Republic of Armenia and the parent who holds RA citizenship consents.*
- *A child of foreign citizens who have acquired RA citizenship shall acquire RA citizenship on the basis of an application submitted in accordance with the procedure stipulated in RA legislation to receive a passport of a citizen of the Republic of Armenia.*

(Article 16 of the RA Law “On RA Citizenship”)

- *If a child is born after parents acquire RA citizenship, the following conditions apply<sup>6</sup>:*
- *A child, both of whose parents hold RA citizenship at the time of his/her birth, shall acquire RA citizenship regardless of his/her place of birth.*
- *A child, one of whose parents holds RA citizenship at the time of his/her birth, while the other parent is unknown or is a stateless person, shall acquire RA citizenship.*
- *If one parent holds RA citizenship at the time of the child’s birth, and the other parent is a foreign citizen, the child’s citizenship shall be determined by the mutual written consent of both parents. No special format for the consent exists. The consent needs to be signed by both parents. In case one of the parents is absent from Armenia, his/her signature needs to be verified by a notary.*
- *In the absence of such consent the child shall acquire the citizenship of the Republic of Armenia, if he/she was born on the territory of the Republic of Armenia, or if he/she would become a stateless person if he/she does not acquire citizenship of the Republic of Armenia, or if the parents permanently reside on the territory of the Republic of Armenia.*

(Article 11 of the RA Law “On RA Citizenship”)

The Passport and Visa Department of the Police confirmed the requirements listed above and added that if a child is above 18 years old, and holds another citizenship, the child will have to apply for Armenian citizenship like all other foreign citizens. This application will be processed all the way through to a presidential approval.<sup>164</sup>

### *Children of mixed Armenian/Azerbaijani marriage*

Several sources<sup>165</sup> agreed that the legislation makes it possible for a child of mixed Armenian-Azerbaijani parents to obtain Armenian citizenship. However, according to the Ministry of Diaspora, if the father of the child is an Azerbaijani citizen, he would not consent to this for social and cultural reasons. The minister explained that many divorced Armenian mothers returned with their children to Armenia after the independence in 1991. The children obtained Armenian citizenship. If someone returns to Armenia now, after more than 20 years outside of Armenia, for instance from Russia, and the person has not obtained citizenship abroad – either Armenian or other – this would probably raise suspicion.

---

<sup>164</sup> Passport and Visa Department of the RA Police; Ministry of Diaspora

<sup>165</sup> Ministry of Diaspora; International Organisation (3); IOM; Representatives of an embassy in Yerevan; An anonymous source, located in Armenia

The International Organisation for Migration (IOM) do not know of such cases, but considers that the families would try to settle in another country, where they would not risk any problems. The International Organisation (3) in Yerevan was not aware of any such cases, and would also consider it likely that such applicants would be treated with suspicion.<sup>166</sup>

Representatives of an embassy in Yerevan stated that mixed marriages between Armenian and Azerbaijani citizens may have been concluded more than 20 years ago. Descendants of such marriages would have settled in another country, due to the conflict in Nagorno-Karabakh.<sup>167</sup>

Finally, IOM highlighted that it would not be problematic for Armenians, who, for instance, return from Russia with Russian spouses and children. If the families have documents, they can apply for citizenship. Even in remote areas of Russia children are registered at birth.

### **4.6. Ethnic Armenians' opportunities to obtain citizenship without having lived in Armenia / having lived outside Armenia for a longer period of time**

Ethnic Armenians in general have favourable conditions to obtain citizenship in Armenia. As stated in article 1 in the Armenian Law on Citizenship:

*"Every person in the Republic of Armenia has a right to acquire citizenship as set forth by the law. A person of Armenian ethnicity may acquire RA citizenship pursuant to a simplified procedure"*<sup>168</sup>

According to Article 13 in the same law, it is possible for persons who are Armenian by origin to obtain citizenship through naturalisation by simplified procedures, which include exemption from the demand of language skills and knowledge of the Armenian Constitution, and exemption from continuous residence for three years.<sup>169</sup> The Passport and Visa Department of the Police confirmed that there is a simplified procedure for ethnic Armenians to apply for citizenship based on a government decision.

According to the UNHCR Handbook, ethnic Armenians have to provide one or several of the following documents to certify being of Armenian origin:<sup>170</sup>

- *Passport bearing a note about being of Armenian nationality;*
- *Birth certificate bearing a note about being of Armenian nationality;*
- *(Armenian) residence certificate of a stateless person, travel document, document certifying the residence status in the Republic of Armenia, bearing a note about being of Armenian ethnicity;*
- *Document on baptism issued by church institutions listed in the Annex 4 of the RA Government decree No. 1390-N (adopted on November 23, 2007), and approved by a Republic of Armenia diplomatic*

---

<sup>166</sup> International Organisation (3) in Yerevan, Armenia

<sup>167</sup> Representatives of an embassy in Yerevan

<sup>168</sup> Law on Citizenship (1995, amended 2007), CHAPTER 1: General Provisions, Article 1: Citizenship of the Republic of Armenia ("RA"). <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwearm.htm> (accessed 19 June 2016)

<sup>169</sup> Law on Citizenship (1995, amended 2007), CHAPTER 2: Acquisition of RA Citizenship, Article 13: *Citizenship by Naturalization. (as amended on 26.02.2007 by RA Law No. 75-N)*, <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwearm.htm> (accessed 19 June 2016)

<sup>170</sup> UNHCR HANDBOOK, p. 9-10; RA Government decrees No. 1522-N (adopted 29 November 2012) and No. 1390-N (adopted on 23 November 2007)

*representation or a consular body in foreign countries, bearing a note about the baptized person or his/her parent being of Armenian ethnicity;*

- *Document on being of Armenian ethnicity issued by authorized bodies in a foreign country and approved with an apostil or consular validation;*
- *Other documents substantiating the circumstance of being of Armenian origin, approved by a Republic of Armenia diplomatic representation or a consular body in foreign countries;*
- *The birth certificate of a parent (or grandfather, grandmother, sister or brother) or other identification document bearing a note about being of Armenian ethnicity. You may also submit the birth certificate (or another document certifying ethnicity) of your brother or sister from father's or mother's side if your consanguineous parent is ethnic Armenian. In case of submitting a document stated in this point it is also necessary to submit a document confirming the relationship with the relevant person.*

The list of documents was confirmed by the Passport and Visa Department of the Police which added that any identification document, by which it would be possible to establish Armenian ethnicity, may be used.

The Minister of Diaspora stated that baptism in the Armenian Apostolic Church is always a condition for ethnic Armenians born outside of Armenia. The Passport and Visa Department of the Police added that Armenian ethnicity and the Armenian Church are interlinked.<sup>171</sup>

As for ethnic Armenians from Nagorno-Karabakh, some sources noted that these persons could easily relocate to Armenia. Ethnic Armenians all have Armenian Passports, and it is stated in the passport that he/she origins from Nagorno-Karabakh, but this would not cause any troubles in Armenia, according to the sources.<sup>172</sup>

According to IOM, there is a huge Armenian diaspora in Russia, consisting of around three million ethnic Armenians. Some may hold Russian citizenship, while others may hold dual Russian and Armenian citizenship. It is not considered particularly beneficial for ethnic Armenians who are Russian citizens to obtain Armenian citizenship. Rules for persons<sup>173</sup> with dual citizenship in Russia have been tightened in 2015, and a Russian citizen can stay visa-free in Armenia for up to 180 days within a year.

### 4.6.1. Ethnic Armenians from Syria

After the outbreak of the civil war in Syria, around 20,000-22,000 ethnic Armenians from Syria have arrived to Armenia, according to the Ministry of Diaspora and the International Organisation for Migration (IOM). 17,000-19,000 Syrian Armenians are still residing in Armenia, while around 2,000-5,000 have left Armenia again after receiving refugee status. Many have left for Canada or Western Europe.<sup>174</sup>

Some ethnic Armenians from Syria received refugee status, and many have already received Armenian citizenship. According to the Minister of Diaspora, only 2,000 ethnic Armenians from Syria living in Armenia, have not yet received Armenian citizenship.

---

<sup>171</sup> Ministry of Diaspora; Passport and Visa Department of the RA Police

<sup>172</sup> Ministry of Diaspora; IOM

<sup>173</sup> Главное Управление по Вопросам Миграции МВД России, [https://xn--b1ab2a0a.xn--b1aew.xn--p1ai/info/Drugoe\\_grazhdanstvo](https://xn--b1ab2a0a.xn--b1aew.xn--p1ai/info/Drugoe_grazhdanstvo)

<sup>174</sup> Ministry of Diaspora; IOM; Representatives of an embassy in Yerevan

The ethnic Armenians from Syria have access to a facilitated, simplified procedure to obtain citizenship. They will need to apply either at the Passport and Visa Department of the RA Police or at a diplomatic representation in Syria, Lebanon or Iraq. The procedure takes some months.<sup>175</sup>

The ethnic Armenians from Syria have to provide documentation for their ethnic origin. According to the Minister of Diaspora the ethnic Armenians have received papers through Armenian representations in Syria that allowed them entry to Armenia.

The Passport and Visa Department of the RA Police stated that the ethnic Armenians from Syria will have a family book that includes information regarding their parents' origin.<sup>176</sup> According to IOM, the requirements for proof of Armenian descent have been complicated, but the Armenian Apostolic Church in Syria has provided relevant documentation, including registration of baptism and marriage. Furthermore, if a person is carrying Armenian-sounding names and has knowledge of the Armenian language, it may also be considered as a proof of descent.<sup>177</sup>

Although the Armenian Syrians have been welcomed by the Armenian State, they still face many socio-economic problems, as it is difficult for them to find a job in Armenia. It is also difficult for them to cover their daily costs, including renting a shelter. According to IOM, many male heads of households leave their families in Armenia and either go back to Syria to find work, or leave for the Gulf states, as they are Arabic speaking. Some migrate to Russia, while others leave for Europe.<sup>178</sup>

### 4.7. Loss of citizenship

According to the Law on Citizenship<sup>179</sup> a cessation of Armenian citizenship can occur in four cases:

1. *In case of changing RA citizenship*
2. *In case of loss of RA citizenship*
3. *In cases provided for by the international treaties of the Republic of Armenia*
4. *Based on provisions of the Law on Citizenship*

The Passport and Visa Department of the RA Police stated that it was not allowed to deprive someone of a citizenship even if the person has committed a crime. The Department highlighted the Armenian ratification of the 1961 Convention on the Reduction of Statelessness. A reason for losing an Armenian citizenship could be, if a person applies for citizenship in a foreign country, which does not allow dual citizenship. The person would then have to renounce his/her Armenian citizenship.<sup>180</sup>

According to the International Organisation of Migration (IOM), it is possible to renounce an Armenian citizenship on a voluntary basis. The IOM was not aware of any particular cases, where a person's citizenship was ceased, but could not exclude single cases.<sup>181</sup> An International Organisation (3) in Yerevan

---

<sup>175</sup> IOM; Ministry of Diaspora; International Organisation 3 in Yerevan

<sup>176</sup> Passport and Visa Department of the RA Police

<sup>177</sup> IOM

<sup>178</sup> Ibid.

<sup>179</sup> Law on Citizenship (1995, amended 2007), CHAPTER 4: Cessation of RA Citizenship, Article 23: The bases for Cessation of RA citizenship, <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwearm.htm> (accessed 19 June 2016)

<sup>180</sup> Passport and Visa Department of the RA Police

<sup>181</sup> IOM

did not have any information about the non-voluntary loss of citizenship, either. According to the organisation, the president has to approve the renouncement of RA citizenship.<sup>182</sup>

According to the Passport and Visa Department of the RA Police, if a male is 18 years or older, and has not served his military service, he will not be able to renounce his Armenian citizenship, until he has completed his obligations. The Department stated that tax evasion, preceding a criminal/civil case or a verdict not fully vindicated, would be other reasons for not being able to renounce the Armenian citizenship.<sup>183</sup>

---

<sup>182</sup> International Organisation (3) in Yerevan, Armenia

<sup>183</sup> Passport and Visa Department of the RA Police

## Appendix 1: Terms of Reference

### State Actors

#### The National Police of Armenia

- Integrity
- Political (in)dependence / influence
- Corruption
- Internal control mechanisms
- Impunity
- Conduct, including prevalence of human rights violations and discrimination

#### The Legal System

- Integrity
- Political (in)dependence / influence
- “Fair trial”
- Accountability
- Appointment of judges
- Conduct
- Corruption
- Internal control mechanisms
- Impunity

### ***Independent Complaint / Appeal Bodies***

#### Human Rights Defender (Ombudsman), Special Investigation Service and the Constitutional Court

- Access
- Independence?
- Capacity / Resources
- Effect? (Consequence of critical comments)

### Citizenship

- Application in / outside Armenia
- Requirement to documentation
- Possible test of language and constitutional skills
- Mixed marriages and children of mixed marriages
- Ethnic Armenians’ opportunities to obtain citizenship without having lived in Armenia / having lived outside Armenia for a longer period of time
- Loss of citizenship

## **Political Situation**

### Opposition

- Major Political Parties
- Activists
- Under which conditions does the opposition act? Are they subject to persecution?

### Freedom of Assembly

- Demonstrations

### Freedoms of Speech

- Independent medias
- Social medias

## **Vulnerable Groups in Armenia**

- Activists, journalists, opposition, women

## Appendix 2: List of Sources

### Government sources

- The Constitutional Court
- The Court of Cassation
- The Human Rights Defenders Office (Ombudsman)
- Ministry Of Diaspora
- Passport and Visa Department of the RA Police
- The Prosecutor General's Office
- Special Investigation Service

### International Organisations and embassies

- Anonymous Source, located in Armenia
- International Organisation of Migration (IOM)
- International Organisation (1)
- Representative of an International Organisation (2)
- International Organisation (3) in Yerevan
- Western Embassy (1)
- Western Embassy (2)
- Representatives of an Embassy in Yerevan

### Armenian Interest Organisations

- Association of Judges
- Chamber of Advocates

### Armenian Non-Governmental Organisations

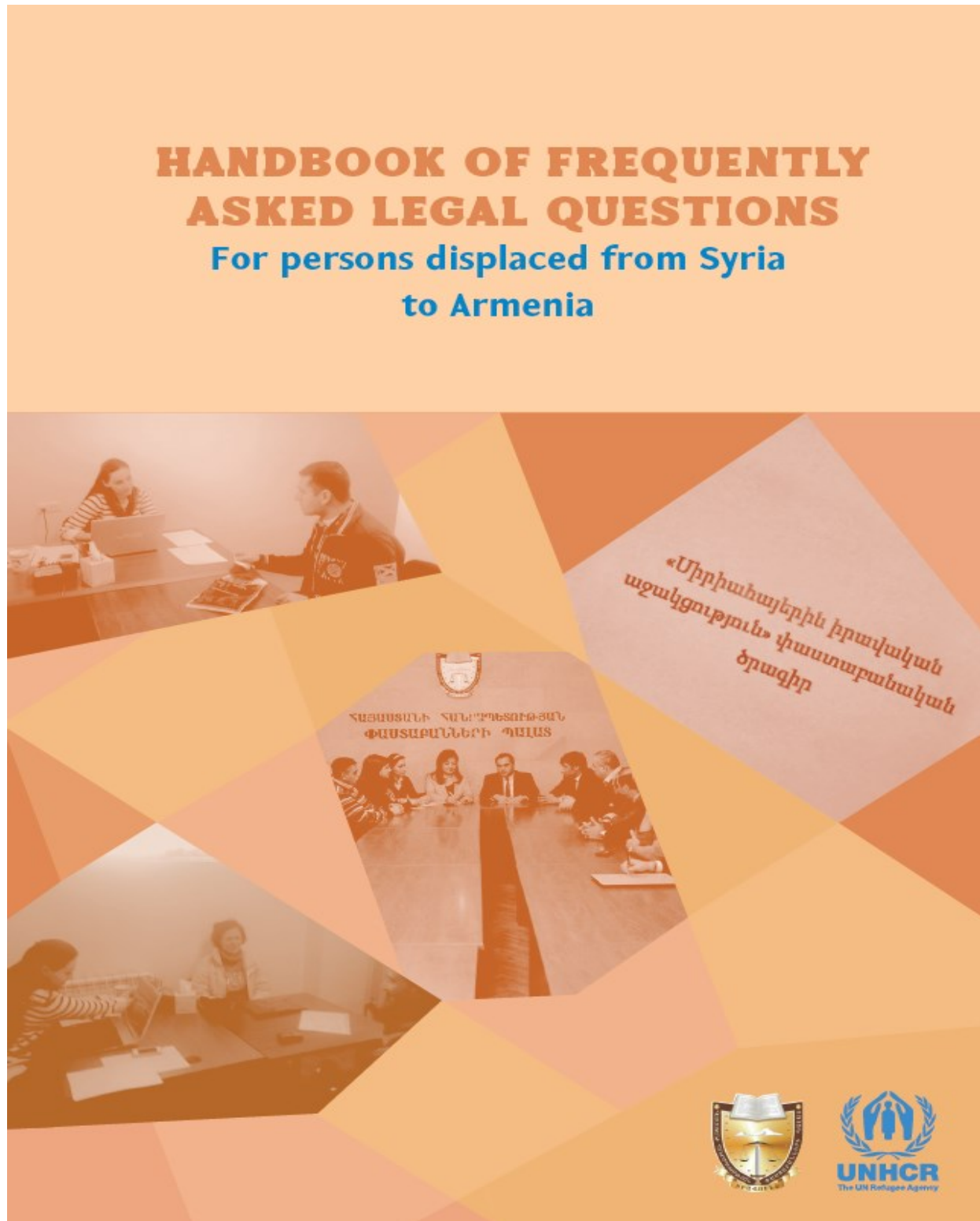
- Armenian Helsinki Association
- Armenian Lawyers' Association
- Civil Society Institute
- Committee to Protect Freedom of Expression
- Helsinki Committee of Armenia
- HETQ
- PINK Armenia
- Transparency International Anti-Corruption Center Armenia
- Women's Resource Centre Armenia

## Appendix 3: Map of Armenia



Source: United Nations - Department of Field Support, Cartographic Section, 2008

## Appendix 4: Handbook of Frequently asked legal questions – *For persons displaced from Syria to Armenia*



# **HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS**

**For persons displaced from Syria  
to Armenia**

September 2014





## Preface

The conflict in Syria, which caused the displacement of more than 9 million persons, is the biggest humanitarian tragedy faced in the young 21st century. Among other populations and neighbouring countries the crisis has affected Armenia and many diaspora Armenians as well. Since the outbreak of the conflict in Syria in March 2011, more than 16,000 persons primarily of ethnic Armenian background have sought protection in Armenia, of whom some 12,000 are estimated to remain in the country. Influx continues as does the conflict. UNHCR observes that persons arriving in Armenia more recently often find themselves in the most vulnerable conditions, as many have left acute fighting and were unable to bring any belongings with them.

Taking into account the importance of providing protection and reception to displaced persons as well as of taking steps towards their integration in the Republic of Armenia, the Chamber of Advocates undertook the legal advice programme “Legal Assistance to Syrian-Armenians”. The first phase of the programme comprised free legal assistance for displaced persons from Syria, legal counseling, free representation in state bodies, as well as judicial representation in straightforward cases.

The second phase constituted the publication of a legal brochure on the frequently asked questions raised during the first phase and identified through other experiences. This will serve as a compass and will provide an opportunity to people displaced from Syria to orientate in the legal environment of the Republic of Armenia.

The brochure is a more comprehensive product due to the involvement of two organisations having complementary knowledge and experience. On the one hand, UNHCR with its decades of experience in providing protection to displaced persons. On the other hand, the Chamber of Advocates of the Republic of Armenia with its professional abilities to provide legal support to most vulnerable people.

It is important to note that the Republic of Armenia has supported the displaced persons from Syria since the outbreak of the conflict. This was demonstrated in different fields of state activity, from the adoption of legal acts (which promote the quick and favourable solution of Syrian-Armenians different problems) to micro-credit assistance.

In particular it should be noted that three protection options are available: (i) simplified acquisition of citizenship, (ii) accelerated asylum procedures which resulted in a 100 per cent recognition rate, or (iii) privileged granting of short, mid-term or long-term residence permits.

In our daily work serving displaced populations, we observed however that the displaced sometimes felt insufficiently informed to fully understand the advantages and disadvantages as well as the legal consequences of the different protection options available. This brochure will assist persons displaced from Syria, seeking protection in Armenia to make well informed decisions about which avenue towards protection they would like to take.

Moreover, the protection of refugees and other displaced population is primarily about ensuring respect for, protection of and fulfilment of their rights. This in turn is closely linked to the displaced persons being well informed about their rights, available assistance schemes and related procedures. Legal questions raised by persons of concern relate to

documentation, economic rights and opportunities, impact on future migration plans, access to tertiary education and civil servant posts, military service requirements, access to social protection schemes and pensions and many other aspects of personal and economic life.

The authors of the brochure would like to express their gratitude to the Passport and Visas Department of the Police, the State Migration Service of the Ministry of Territorial Administration, the Ministry of Diaspora of the Republic of Armenia, as well as key service providers among civil society, which have reviewed the content of the present brochure and submitted proposals.

Most importantly, we hope that this brochure will go some way to alleviating some of the stress of displacement and will contribute towards a smoother adaptation to life in Armenia.

**Christoph Bierwirth**  
UNHCR Representative in Armenia

**Ara Zohrabyan**  
Chairman of the Chamber of Advocates

## Contents

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| 1. Questions concerning entry visa for the Republic of Armenia .....                     | 6  |
| 2. Questions concerning legalization of residence in the Republic of Armenia...          | 7  |
| 3. Questions concerning citizenship .....                                                | 7  |
| 4. Questions concerning refugee status .....                                             | 12 |
| 5. Questions concerning residence status.....                                            | 18 |
| 6. Questions concerning the state registration of birth .....                            | 21 |
| 7. Questions concerning the state registration of marriage (divorce).....                | 22 |
| 8. Questions concerning state registration of death .....                                | 24 |
| 9. Questions concerning military service.....                                            | 25 |
| 10. Questions concerning social rights .....                                             | 26 |
| 10.1. Questions concerning the right to education.....                                   | 26 |
| 10.2. Questions concerning job selection.....                                            | 28 |
| 10.3. Questions concerning medical assistance .....                                      | 29 |
| 10.4. Questions concerning benefits.....                                                 | 29 |
| 10.5. Questions concerning disability .....                                              | 31 |
| 10.6. Questions concerning the public services number.....                               | 33 |
| 11. Questions concerning the registration at the address<br>of permanent residence ..... | 33 |
| 12. Questions concerning driver's license .....                                          | 34 |
| 13. Questions concerning name changes .....                                              | 35 |
| 14. Questions concerning the right to vote.....                                          | 37 |
| 15. Questions concerning the customs legislation .....                                   | 37 |
| 16. Questions concerning entrepreneurial activities.....                                 | 38 |
| 17. Questions concerning taxes.....                                                      | 40 |

### Annex 1

|                                                                      |    |
|----------------------------------------------------------------------|----|
| Office of the Human Rights Defender of the Republic of Armenia ..... | 46 |
| Organizations providing free advice .....                            | 46 |

### Annex 2

|                                                                                                                                                             |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| List of legal acts relating to Syrian-Armenians<br>prepared by the Ministry of Diaspora of the<br>Republic of Armenia and adopted by the RA Government..... | 47 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

## 1. Questions concerning entry visa for the Republic of Armenia

### How to enter the Republic of Armenia (RA)?

Foreigners shall enter the Republic of Armenia on the basis of availability of a valid passport and in case of authorization by the Border Troops of the National Security Service adjunct to the RA Government. For the entry into the country, one of the following documents is required:

- Entry visa,
- Document attesting the residence status in RA.

Foreigners up to the age of 18 can enter RA with their parents, one of their parents, other legal representative or an accompanying person or alone if they are coming to the Republic of Armenia with their parents, one of their parents, other legal representative or to a host organization.

The abovementioned requirements do not relate to persons arriving in the Republic of Armenia with the purpose to apply for asylum (see Chapter 4 for more detailed information).

*Article 6 of the RA Law "On Foreigners"*

### What is the term of the RA entry visa?

Entry visas of the Republic of Armenia are issued for single entry for a term of up to 120-day stay, with the possibility of extension for a maximum term of up to 60 days.

*Article 9 of the RA Law "On Foreigners"*

### How to obtain RA entry visa?

Syrian citizens of Armenian origin<sup>1</sup> (but not their relatives of non-Armenian origin) may obtain RA entry visa without an invitation, at the RA state border crossing points. Visas are issued by the respective unit of the Passports and Visas Department of the RA Police (OVIR).

*Article 9 of the RA Law "On Foreigners"*

Syrian-Armenians are exempted from payment for visas.

*Article 26 of the RA Law "On State Duty"*

### What are the consequences of staying in Armenia without legal basis?

In case of foreigners, residence in RA without a valid permit or residence status or with invalid documents results in imposing a fine equal to AMD 50,000 – 100,000.<sup>2</sup>

*Article 201 of the RA Administrative Offences Code*

---

<sup>1</sup> The list of the documents certifying the Armenian origin has been defined by the RA Government and is presented in Chapter 3 of the present brochure.

<sup>2</sup> The amounts of fines and fees are stated as in force at the time of publication of the Brochure.

## 2. Questions concerning legalization of residence in the Republic of Armenia

There are three options available for the legalization of residence in Armenia:

1. Acquisition of citizenship of the Republic of Armenia (see Section 3);
2. Acquisition of refugee status (see Section 4);
3. Acquisition of residence status (see Section 5).

**What are the main observations by which one should be guided when choosing one of the mentioned options?**

- Citizenship is a permanent solution to the displacement problem, as opposed to the refugee status and residence permit, which are of a temporary nature;
- You can apply for citizenship even after acquiring refugee status or residence permit but after acquiring citizenship you cannot acquire refugee status or residence permit;
- You can acquire citizenship before arriving in the RA but after that you cannot apply for the other two statuses anymore;
- One can renounce all three statuses. The renouncement of citizenship, however, is possible only in case of meeting all of the following conditions:
  - You have a citizenship of another country or you can present a reference from the authorized body of another country on the possibility of acquiring the citizenship of that country and
  - You are not being prosecuted,
  - There is no judgment of a court against you that has entered into force and is subject to execution,
  - Your renouncement of the RA citizenship does not contradict the national security interests of the Republic of Armenia,
  - You do not have outstanding obligations towards the State.

## 3. Questions concerning citizenship

**What are the main consequences of the status of the citizen of the Republic of Armenia?**

In case of acquiring RA citizenship:

- you receive a passport of the citizen of the Republic of Armenia, acquire a termless right to travel with it, to legally reside in RA and have access to RA diplomatic protection;
- you will benefit from the right of entering into the RA at any time;
- your children less than 18 years of age acquire RA citizenship (in case of children aged 0-14 it will happen automatically, and in case of children aged 14-18 it will happen with the children's consent);<sup>3</sup>

---

<sup>3</sup> In case only one parent has acquired Armenian citizenship, consent of the parents will be required.

- male citizens of conscription age must serve in the Armed forces of the Republic of Armenia, except for cases prescribed by the law;
- you acquire the right to free of charge higher education in the framework of state quota envisaged for the RA citizens, on a competitive basis;
- you have the right to acquire land as a private property;
- you are granted the right to elect and be elected in all national and local self-governance elections as prescribed by the law;
- your spouse and parent of non-Armenian origin have the right to acquire RA citizenship being exempted from the requirements of residing in Armenia for the period of three years and knowing Armenian;
- your spouse and close relatives (parents, sons, daughters, brothers, sisters, grandparents, grandchildren) have the right to acquire residence status in the Republic of Armenia.
- According to the Syrian legislation currently in force, after acquiring RA citizenship you will not be deprived of Syrian citizenship. However, the possibility of changes being made to the legislation in future cannot be excluded.<sup>4</sup> If you have concerns over losing your Syrian citizenship as a result of acquiring Armenian citizenship, you may consult a representative of UNHCR.

#### **Who can be granted RA citizenship?**

The following persons have the right to apply for RA citizenship:

Any legally competent person, who is 18 years of age, is not an RA citizen, resides (stays) in a foreign country or lawfully resides (stays) in the Republic of Armenia, may apply for acquiring RA citizenship, if he/she:

- 1) has been lawfully residing on the territory of the Republic of Armenia for the preceding 3 years;
- 2) is able to explain himself/herself in the Armenian language;
- 3) is familiar with the Constitution of the Republic of Armenia.

The above mentioned refers to persons of non-Armenian origin.

Persons of Armenian ethnicity acquire RA citizenship through a simplified procedure; for the latter the above listed three conditions are not mandatory.

A person who is not an RA citizen may be granted RA citizenship without being subject to the 1st and 2nd conditions set above, if he/she:

- 1) is married to a citizen of the Republic of Armenia or has a child who holds RA citizenship,
- 2) has parents or at least one parent that has held RA citizenship in the past or was born on the territory of the Republic of Armenia and had applied for RA citizenship within 3 years of attaining the age of 18;
- 4) has renounced RA citizenship of his/her own accord after January 1, 1995.

*Article 13 of the RA Law "On RA Citizenship"*

---

<sup>4</sup> For an analysis of the Syrian legislation on citizenship, you may consult Z ALBARAZI, "The Stateless Syrians – Report of the Middle East and North Africa Nationality and Statelessness Research Project", *Tilburg Law School Legal Studies Research Paper Series*, [2013], available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2269700](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2269700).

### What documents are necessary to apply for RA citizenship?

The following documents are needed to apply for RA citizenship:

1. application;
2. passport and a copy of the passport;
3. 6 (colour) photographs of 35 x 45 mm size;
4. birth certificate and a copy of the birth certificate;
5. marriage certificate and a copy of the marriage certificate;
6. the spouse's passport and a copy of the passport, or a certificate of the spouse's citizenship;
7. birth certificate of the child and a copy of the certificate, or the certificate that certifies RA citizenship and a copy of the certificate, or the passport of the RA citizen and a copy of the passport.
8. residence certificate of a stateless person and a copy of the certificate, or the travel document and the document certifying the RA residence status and copies of these documents;
9. any of the documents certifying that the applicant is of Armenian origin (in case of applicants of Armenian origin);
10. document certifying the payment of the state fee (AMD 1,000).<sup>5</sup>

In case you are missing a document, seek legal advice from OVIR or organisations providing legal advice (listed in Annex 2 of this brochure).

### What are the documents to certify being of Armenian origin?

- Passport bearing a note about being of Armenian nationality;
- Birth certificate bearing a note about being of Armenian nationality;
- Residence certificate of a stateless person,<sup>6</sup> travel document, document certifying the residence status in the Republic of Armenia, bearing a note about being of Armenian ethnicity;
- Document on baptism issued by church institutions listed in the Annex 4 of the RA Government decree No. 1390-N (adopted on November 23, 2007)<sup>7</sup>, and approved by a Republic of Armenia diplomatic representation or a consular body in foreign countries, bearing a note about the baptized person or his/her parent being of Armenian ethnicity;
- Document on being of Armenian ethnicity issued by authorized bodies in a foreign country and approved with an apostil or consular validation;
- Other documents substantiating the circumstance of being of Armenian origin, approved by a Republic of Armenia diplomatic representation or a consular body in foreign countries;

<sup>5</sup> Persons of Armenian ethnicity from a country of origin in a state of war are exempt from the payment of the state duty – *Government decree N 1469-N adopted on 22.11.2012.*

<sup>6</sup> A special type of document issued to stateless persons residing in Armenia.

<sup>7</sup> In Syria, these are the following church institutions: 'Mayr Ator Surb Echmiadzin' – 'Damascus Tem'; 'Metsi Tann Kilikio Katoghikosutyun' – 'Halepi Tem' and 'Jezirei Tem' (in Aleppo), 'Hay Katoghike Yekegheci' – 'Berio Tem' (in Aleppo), 'Damascus Tem' and 'Kamishli Tem'. For this and church institutions in other countries see Decree of the Government of Armenia No 1390-N of 23.11.07, available at <http://www.arlis.am/DocumentView.aspx?DocID=88586>.

- The birth certificate of a parent (or grandfather, grandmother, sister or brother) or other identification document bearing a note about being of Armenian ethnicity. You may also submit the birth certificate (or another document certifying ethnicity) of your brother or sister from father's or mother's side if your consanguineous parent is ethnic Armenian. In case of submitting a document stated in this point it is also necessary to submit a document confirming the relationship with the relevant person.

*RA Government decrees No. 1522-N (adopted on 29.11.2012) and No. 1390-N (adopted on 23.11.2007)*

### **What is the procedure for acquisition of RA citizenship?**

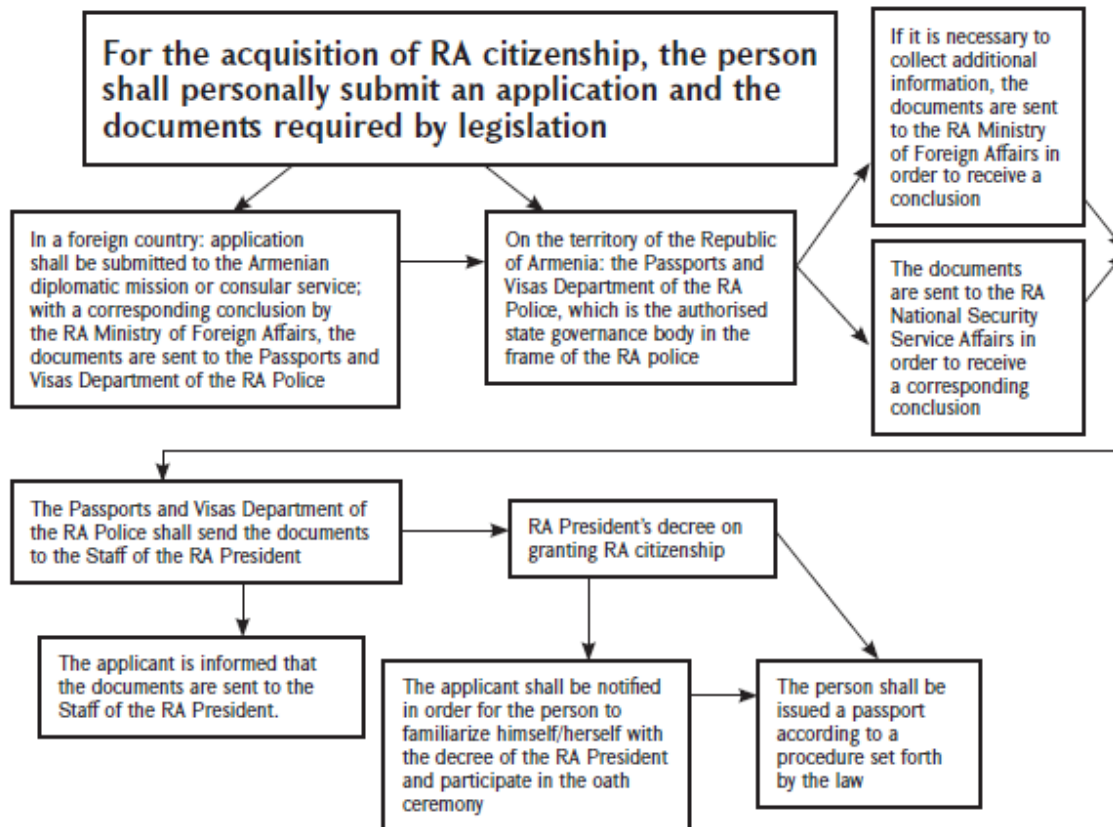
1. The person shall personally submit an application to the Armenian diplomatic mission or consular service in a foreign country, or, on the territory of the Republic of Armenia – to the Passports and Visas Department of the RA Police, which is the authorized state governance body in the frame of the RA Police.
2. For the collection of additional information about the applicant, the documents will be sent by the Passport and Visas Department to:
  - RA Ministry of Foreign Affairs;
  - National Security Service.
3. After the collection of comprehensive information, the Passports and Visas Department of the RA Police shall send the documents to the Staff of the RA President.
4. The applicant shall be notified that the documents were sent to the Staff of the RA President.
5. The President of the Republic of Armenia will issue a decree on granting RA citizenship.
6. The applicant shall be notified in order to familiarize himself/herself with the excerpt from the decree of the RA President and participate in the oath ceremony.
7. The person shall be issued a passport according to the procedure set forth by the law.

Applications and petitions concerning citizenship issues shall be submitted in writing and considered within a six-month period. In case the application is rejected, the respective person shall be allowed to re-apply after one year from the date of rejection.

The Department sends the information on the process of applications regarding the acquisition of RA citizenship to the e-mail address of the applicant and/or mobile phone through SMS in a 3-day period, if the applicant has voluntarily filled in his/her e-mail address and/or mobile phone number in the questionnaire.

The applicant may be informed about the process of the application also through the official website of the Department, by inserting the individual code provided to him. The individual code is provided after the application is filed with the Department, by the e-mail address of the applicant or through the mobile phone number, simultaneously with the information being sent through SMS.

*Diagram 1: Procedures for acquisition of RA citizenship*



### **Who is exempted from fees for passports?**

Those foreign citizens who are of Armenian origin or those citizens of the Republic of Armenia who are permanent residents of a foreign country where an emergency situation has emerged that threatens the life and health of the citizens, are exempted from the payment of fees for issuing or replacing a passport of an RA citizen that is valid in foreign countries.

*RA Government decree No. 1469-N, adopted on 22.11.2012*

### **Will your child also acquire RA citizenship in case you acquire RA citizenship?**

A child under the age of 14 whose parents have acquired RA citizenship shall acquire RA citizenship automatically.

If the parents have acquired RA citizenship, their children of 14-18 years of age shall acquire RA citizenship in case of their written consent.

If one of the parents has acquired RA citizenship, while the other is a foreign citizen or a stateless person, the child shall acquire RA citizenship, if both parents consent, or if the child resides on the territory of the Republic of Armenia and the parent who holds RA citizenship consents.

A child of foreign citizens who have acquired RA citizenship shall acquire RA citizenship on the basis of an application submitted in accordance with the procedure stipulated in RA legislation to receive a passport of a citizen of the Republic of Armenia.

*Article 16 of the RA Law "On RA Citizenship"*

**If your child is born after you acquire RA citizenship, what citizenship will the child have?**

A child, both of whose parents hold RA citizenship at the time of his/her birth, shall acquire RA citizenship regardless of his/her place of birth.

A child, one of whose parents holds RA citizenship at the time of his/her birth, while the other parent is unknown or is a stateless person, shall acquire RA citizenship.

If one parent holds RA citizenship at the time of the child's birth, and the other parent is a foreign citizen, the child's citizenship shall be determined by the mutual written consent of both parents. No special format for the consent exists. The consent needs to be signed by both parents. In case one of the parents is absent from Armenia, his/her signature needs to be verified by a notary.

In the absence of such consent the child shall acquire the citizenship of the Republic of Armenia, if he/she was born on the territory of the Republic of Armenia, or if he/she would become a stateless person if he/she does not acquire citizenship of the Republic of Armenia, or if the parents permanently reside on the territory of the Republic of Armenia.

*Article 11 of the RA Law "On RA Citizenship"*

*For additional information please contact the Passports and Visas Department of RA Police; address: 17/10 building, 4<sup>th</sup> district, Davtashen, Yerevan city; telephone: (010) 370263, hotline: (010) 37 02 64.*

## **4. Questions concerning refugee status**

**What are the main consequences of applying for/being granted refugee status?**

- After the decision is made to recognize you as a refugee, you are granted a Convention Travel Document, a right to travel with that document, a right to legally reside in RA and benefit from RA diplomatic protection for as long as the circumstances that forced you to leave your country of origin (country of permanent residence) persist;
- During the asylum procedure and after you are recognized as a refugee you are protected by the *non-refoulement* principle, which means that you cannot, without your consent, be returned to the country of your origin (country of citizenship or permanent residence) or removed to any other country from where you may be returned to your country of origin;
- As long as your application for a refugee status is being processed, you receive an asylum seeker's identification card, which is the document certifying your legal residence in Armenia;

- During the asylum procedure, and based on a referral issued by the state authorized body, you can reside in the temporary reception center for asylum seekers in case there are available rooms;
- After being granted a refugee status you acquire a number of rights equal to RA citizens, such as the following:
  - right to work,
  - right to basic general education,
  - right to receive medical care,
  - right to social protection,
  - intellectual property rights,
  - right to be engaged in entrepreneurship.
- In case of being recognized as a refugee, your family members (dependents), in case of their consent, will also be recognized as refugees,
- You will be granted the right to reunite in RA with your family members (persons under your care) residing outside of the Republic of Armenia.
- You will not serve in the Armenian Army.
- You will not be able to acquire land as your private property.
- You will not be able to take part in national elections (for President and National Assembly).

#### **Who is a refugee?**

According to Article 1A(2) of the 1951 Convention relating to the Status of Refugees, as well as to Article 6(1)(1) of the RA Law on Refugees and Asylum, a refugee is a foreign national who

- is outside of the country of his/her citizenship;
- has a well founded fear of being persecuted in that country on certain grounds (race, religion, nationality, membership of a particular social group, political opinion);
- is unable or owing to such fear is unwilling to avail himself/herself of the protection of the country of his/her citizenship.

The same refers to stateless persons with regards to the countries of their habitual residence.

According to Article 6(2)(2) of the RA Law on Refugees and Asylum, a foreign national or a stateless person who is compelled to leave the country of his/her nationality, or, in case of a stateless person the country of his/her habitual residence due to generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other serious events disrupting public order, is also a refugee.

#### **Are there any circumstances in case of which a person will not be recognised as a refugee even if he/she meets the criteria of the refugee definition?**

A foreigner or a stateless person will not be recognized as a refugee if there are serious reasons to believe that he/she:

1. has committed a crime against peace, a war crime or a crime against humanity,
2. has committed a serious non-political crime outside Armenia before becoming an asylum seeker in the RA,
3. has been guilty of acts contrary to the purposes and principles of the United Nations.

### **Which body recognizes a person as a refugee and within what time limits?**

Asylum applications are examined and decisions regarding them are adopted by the State Migration Service of the RA Ministry of Territorial Administration within 30 days from the submission of application. This time limit may be extended in cases prescribed by law. As of June 2014 the rate of satisfaction of asylum applications submitted by Syrian citizens is 100%.

### **What is asylum?**

Asylum is protection granted in the Republic of Armenia to a foreign national or a stateless person.

### **How to apply for asylum?**

You need to:

1. Make an application at the state border crossing points of the Republic of Armenia to the Border Guard Troops of the Republic of Armenia, orally, in writing, with the help of sign language, or by any other means of communication, or
2. Submit an application to the State Migration Service (SMS) of the RA Ministry of Territorial Administration or to the Police of the Republic of Armenia, on the territory of the Republic of Armenia.

*Article 13 of the RA Law "On Refugees and Asylum"*

Regardless of your ethnicity you are entitled to apply for asylum even in cases when you have entered Armenia illegally, do not possess a passport or any other identity document. Your asylum application will be accepted and you will be registered by the SMS as an asylum seeker.

You may apply for and be granted refugee status in Armenia even if you have left Syria before the outbreak of the conflict if you cannot return there due to the conflict or other reasons.

In case an asylum seeker does not hold a valid travel document or a valid entry permit, the Border Guard Troops may hold him/her for up to 72 hours in the special facility provided for that purpose.

*Article 46 of the RA Law "On Refugees and Asylum"*

Asylum seekers and refugees shall not be subjected to criminal or administrative liability for illegal entry into, or presence in, the Republic of Armenia. However, due to some inconsistencies between the legislation on asylum and Criminal Code of Armenia with respect to this issue, criminal prosecution and detention of asylum seekers having entered Armenia illegally is still possible.

It is important for those entering RA illegally to present themselves to the RA authorities (for example, territorial police) without delay, to state the reason for the illegal entry and the intention of seeking protection in the RA.

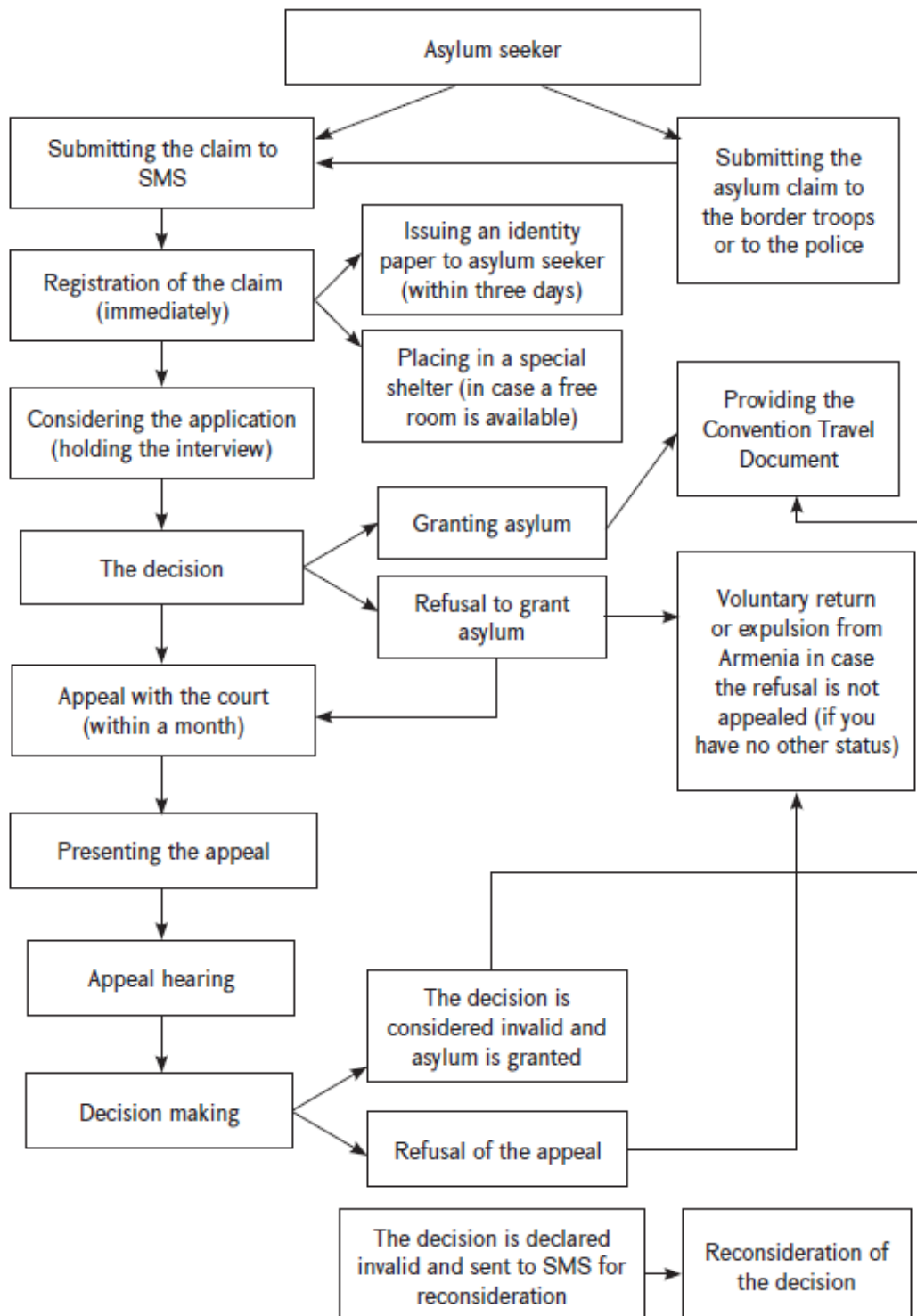
*Article 28 of the RA Law "On Refugees and Asylum. Article 329 of the RA Criminal Code"*

### **What if I return home?**

In case you return home with a view to settle there again, your refugee status may be ceased by the SMS.

*Article 10 of the RA Law "On Refugees and Asylum"*

Diagram 2: Procedures for granting asylum in Armenia



**What documents are required to present along with asylum application?**

1. A copy of the passport and/or other identity document (birth certificate, ID card, driver's license, military record book etc.), if available.
2. Four 35x45 mm colour photos.

**Is an asylum seeker provided with shelter?**

In case free rooms are available, asylum seekers and their family members are placed in the SMS-administered Temporary Reception Centre for asylum seekers. 40 rooms are available in the center with overall capacity to host about 40-50 persons. To receive accommodation at this Centre, a written request needs to be filed with SMS.

**What documents are provided to asylum seekers?**

The SMS shall, free of charge, issue an individual identity paper to every asylum seeker and his/her family members (including children), after submitting an asylum claim.

The identity paper of asylum seekers shall be issued for three months, and, until a final decision with regard to the asylum claim is made, the term of validity of such paper shall be extended each time for three months.

The identity paper shall confirm the fact of legal residence of an asylum seeker and shall be valid within the entire territory of the Republic of Armenia.

*Article 29 of the RA Law "On Refugees and Asylum"*

**What is the procedure for appealing against decisions adopted with respect to an asylum claim?**

- Asylum seekers and refugees shall have the right to appeal - through a judicial procedure - against any negative decision as a result of an asylum procedure instituted with respect to an asylum claim, within 30 days after being informed of such decision. If no appeal is submitted within a period of 30 days, the decision shall become final. The decisions of the SMS may be challenged in three instances – Administrative Court, Administrative Court of Appeals and Cassation Court.
- Missing the time limit for appeal shall be considered to be for valid reasons, if the time limit has been missed for reasons beyond the control of the asylum seeker or refugee.
- After the reason(s) for missing the time limit for appeal ceases to exist, the asylum seeker may lodge an appeal with the court within 15 days, but not later than within 3 months starting from the day he/she was informed of adoption of the decision with respect to the asylum claim.

*Article 57 of the RA Law "On Refugees and Asylum"*

**What is the Convention Travel Document?**

The Convention Travel Document (CTD) is the valid document which certifies the identity and the legal residence in the Republic of Armenia of a refugee and is intended for leaving the Republic of Armenia. It is issued free of charge by the Police of the Republic of Armenia. It shall be valid for two years, following which the document shall be renewed for additional two years each time. Children under 16 years are not issued a separate CTD; their data is included in their parent's CTD.

*Article 30 of the RA Law "On Refugees and Asylum"*

**What status will family members of a refugee acquire?**

The following persons shall be considered a refugee and to have been granted asylum if they reside with a refugee who has been granted asylum in the Republic of Armenia and do not enjoy the protection of any other country (different from the refugee's country of citizenship):

- The spouse of a refugee who has been granted asylum in the Republic of Armenia;
- The child under 18 years of age of a refugee who has been granted asylum in the Republic of Armenia;
- Other relatives or in-laws of a refugee who has been granted asylum in the Republic of Armenia, if they are under the care of the refugee;
- Any other dependent of a refugee who has been granted asylum in the Republic of Armenia;
- The parents of a child who has been granted asylum in the Republic of Armenia, his/her siblings under 18 years of age, as well as siblings who are above 18 years of age and lack legal capacity.

Refugees who have been granted asylum in the Republic of Armenia shall have the right to reunification - in the territory of the Republic of Armenia - with the persons mentioned above.

*Article 7 of the RA Law "On Refugees and Asylum"*

**What are the rights of asylum seekers in case their claims are rejected?**

- If the application of an asylum seeker is rejected, and he/she does not appeal the decision of rejection, then he/she shall have the right to continue residing in the Temporary Reception Centre within a period of not more than 30 days.

*RA Government decree N 1440-N, adopted on 19.11.09*

- If the application of an asylum seeker is rejected, and he/she appeals the decision of rejection in the court, then he/she and his/her family members shall have the right to continue residing in the Temporary Reception Centre for the period until the decision of the Court legally enters into force. The validity of their asylum seeker's ID card will also be extended by SMS until a final decision is taken by the last instance court.

*RA Government decree N 1440-N, adopted on 19.11.09*

**What are the main responsibilities of asylum seekers and refugees who were granted asylum?**

- Asylum-seekers must provide comprehensive and accurate information relating to the grounds of their asylum claim to the State Migration Service.
- If an asylum seeker is granted refugee status, he/she must vacate the room he/she occupied in the Temporary Reception Centre, after receiving the decision on granting the refugee status.

*RA Government decree N 1440-N, adopted on 19.11.09*

- They must abide by the requirements set forth in the Armenian legislation.
- They must pay all taxes, duties and make mandatory payments equal to the citizens of the Republic of Armenia.

*For additional information, please refer to the following:*

*RA Ministry of Territorial Administration, State Migration Service /SMS/*

*4, Hrachya Kochar street, Yerevan; telephone: 010 225624, 010 225620,*

*<http://www.smsmta.am/>*

*Handbook for asylum seekers in Armenia - <http://www.smsmta.am/up/brochure.PDF>*

*Office of the UN High Commissioner for Refugees*

*14 Petros Adamyan street, Yerevan; telephone: 010 560212, <http://www.un.am/am/UNHCR>*

## 5. Questions concerning residence status

**What are the main consequences of acquiring a residence status in the Republic of Armenia?**

- In case of acquiring a residence status you will be granted a series of rights equal to RA citizens, such as the following:
  - right to work,
  - right to basic general education,
  - right to receive medical care,
  - right to social protection,
  - right to be engaged in entrepreneurship.
- In case of acquiring a residence status you will not be provided with a travel document.
- You will not serve in the Armenian Army.
- You will not be able to acquire land as your private property.
- You will not be able to take part in national elections (for President and National Assembly).
- In case of acquiring a residence status the members of your family will also be able to acquire a residence status upon application.

**What are residence statuses in the RA?**

**Residence statuses in the RA are as follows:**

1. temporary (issued for a period of up to one year each time with a possibility of extension for one year),
2. permanent (issued for a period of 5 years with a possibility of multiple extensions of the same time period),
3. special (issued for a term of 10 years; it can be issued more than once).

The application for extending the validity period of the temporary and permanent residence cards is to be submitted to the Passport and Visas Department of the RA Police at least 30 days before expiration date.

*Article 14, 15 and 16 of the RA Law "On Foreigners"*

**What are the grounds and terms for granting temporary residence status?**

Short-stay residence permit is granted to each foreigner with proof of one of the following reasons justifying his/her stay in the territory of the RA for a period of one year and longer:

1. study,
2. availability of work permit,
3. being the spouse, parent or child of a foreigner having temporary residence status in the RA,
4. being the spouse or close relative (parent, child, brother, sister, grandmother, grandfather, grandchild) of a foreigner having permanent or special residence status in the RA,
5. undertaking entrepreneurial activity,
6. being of Armenian origin.

*Article 15 of the RA Law "On Foreigners"*

**What are the grounds and terms for granting permanent residence status?**

Permanent residence permit is granted to a foreigner if he/she:

1. Proves that he/she
  - (a) has a spouse or close relatives (parent, child, brother, sister, grandmother, grandfather, grandchild) in the RA who is an RA citizen or has a special residence status in Armenia and
  - (b) has an apartment in the RA and means for habitation and
  - (c) he/she has, before applying for permanent residence, resided in the RA for at least three years in accordance with the order prescribed by law,
2. Is of Armenian origin or is undertaking entrepreneurial activity in the RA.

*Article 16 of the RA Law "On Foreigners"*

**Which authority makes a decision on granting or rejecting temporary and permanent residence status and within what period?**

The Passport and Visas Department of the RA Police, within 30 days from the date of submitting the application.

*Article 17 of the RA Law "On Foreigners"*

**What documents are required to be submitted for the application of temporary and permanent residence status?**

1. application-questionnaire,
2. 3 colour photos of 35 x 45 mm size,
3. passport, passport copy and Armenian translation of the passport validated by the notary,

4. documents justifying the grounds for receiving residence permit (extending the residence permit in the RA,
5. statement on health,
6. payment receipt of state duty.

*Government decree N 134-N, adopted on 07.02.08*

#### **What are the grounds for granting a special residence status?**

Special residence status is granted:

1. to foreigners of Armenian origin,
2. other foreigners that are performing economic or cultural activities in the RA.

*Article 18 of the RA Law "On Foreigners"*

#### **Which authority makes a decision on granting or rejecting special residence status and within what period?**

The decision is taken by the RA President. The decision of the President is final and is not subject to appeal. No time-limit for adopting a decision is set by the RA legislation.

#### **What documents are required to be submitted with the application for special residence status?**

1. six colour photos of 35 x 45 mm size,
2. passport, passport copy and Armenian translation of the passport validated by the notary,
3. document certifying the Armenian origin<sup>8</sup> (required in practice).

#### **Who is exempted from the fees for residence status?**

1. Foreign citizens of Armenian descent whose country of origin is in an emergency situation which threatens the life and health of the citizens (the Lebanese Republic, Syrian Arab Republic),
2. Close relatives of RA citizen (spouse, child, father, mother, sister, brother),
3. Persons under the age of 18,
4. Close relatives (spouse, child, father, mother, sister, brother) of a person with refugee status arriving in the RA.

*Article 26 of the RA Law "On State Duty"*

#### **Can I lodge an appeal against refusal of application to acquire residence status**

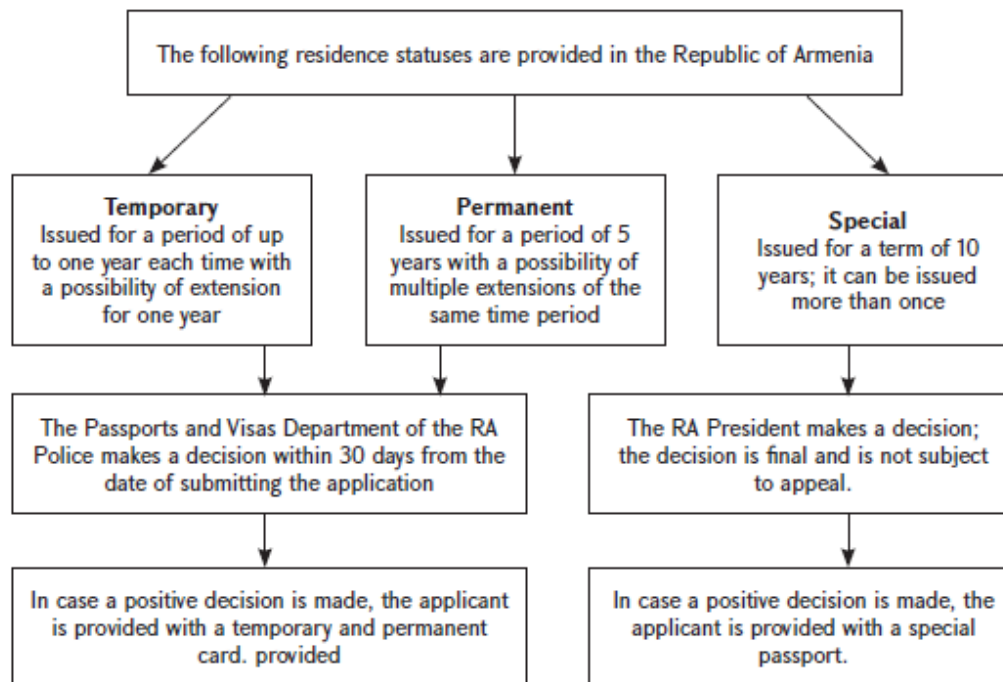
With the exception of special residence status, a foreigner can appeal rejection of application submitted for acquiring or extending a residence status in court. In case the court upholds the decision on rejecting acquisition or extension of residence status the foreigner shall be obliged to leave the territory of the RA within a period of 10 days after the court decision enters into legal force. In case of rejecting granting of residence status the foreigner can re-apply for acquisition of residence status after one year. A note on this is made in the decision on rejection.

*Article 20 of the RA Law "On Foreigners"*

---

<sup>8</sup> See Section 3 for list of documents certifying Armenian origin.

Diagram 3. Types and procedures for granting residence status in the RA



For additional information contact Building 17/10, 4<sup>th</sup> district, Davitashen, c Yerevan, hot line: (010) 37-02-64.

## 6. Questions concerning the state registration of birth

**Will the birth of children born to persons displaced from Syria in the Republic of Armenia be registered?**

All children born in the RA shall have their birth registered irrespective of the status of their parents or the absence thereof.

**Which authority performs state registration of child birth?**

Civil Status Acts Registration (CSAR) agency registers births. You should apply to the agency of the place of birth of the child (that of community, or administrative region in case of Yerevan city) or the place of residence of the parents (one of the parents).

*Article 15 of the RA Law "On Civil Status Acts Registration"*

**When should a notification on child birth be submitted to a relevant CSAR agency?**

Written notification on child birth shall be submitted to CSAR agency not later than within one year after the date of child birth. Belated registration of child birth is also possible in a manner prescribed by law.

*Articles 16, 21 of the RA Law "On Civil Status Acts Registration"*

**What documents are required for state registration of child birth?**

Together with notification on child birth the following should be submitted:

- document certifying child birth (see also below),
- identity document of the parents (one of the parents) or the applicant (in case of foreign citizens and stateless persons, notarized Armenian translation of the identity document is also required),
- documents serving as grounds for completing information about the father in the record of child birth act (for instance, marriage certificate, document on recognition of fatherhood).

*Articles 7 and 16 of the RA Law "On Civil Status Acts Registration"*

**Which are the documents certifying child birth?**

Grounds for state registration of birth are as follows:

1. Document on birth issued by the medical institution where the birth occurred,
2. Document of defined form on birth issued by the medical institution which provided medical assistance during delivery,
3. Document of defined form on birth issued by the doctor in case of birth outside medical institution,
4. Written notification of defined form on birth given by the person(s) present at birth and a statement on child health issued by a medical institution in case of birth outside medical institution and without medical assistance.

If you are missing any of the above mentioned documents, state registration of birth will only be possible upon a court decision certifying the fact of childbirth.

*Article 14 of the RA Law "On Civil Status Acts Registration"*

*For additional information contact Civil Status Acts Registration agency of the RA Ministry of Justice, address: 41a Halabyan street, c. Yerevan, tel.: (010) 38-02-24.*

## **7. Questions concerning the state registration of marriage (divorce)**

**From what age can a marriage be registered in the RA?**

For registration of marriage, the mutual voluntary consent of the man and the woman and them being of the age of 18 are necessary.

The person can get married also at the age of 17 if the consent of his/her parents, adopters or trustee is available.

The person can get married also at the age of 16 if the consent of his/her parents, adopters or trustee is available and the other person who is getting married is at least 18 years old.

#### **Which authority performs the state registration of marriage?**

The state registration of marriage is performed by:

- The territorial body for Registration of Civil Status Acts of the place of registration (if a relevant reference letter is available, the place of residence) of one of the persons getting married;
- The Ceremonial Registration Board for Marriage and Birth in the system of the RA Ministry of Justice;
- The marriage between foreigners, stateless persons, RA citizens residing in a foreign country or with RA citizens is performed based on the permission of the Head of the Agency for the Registration of Civil Status Acts (RCSA) of the RA Ministry of Justice.

The registration of marriage of citizens living without a permanent registration is performed by the RCSA body of the temporary residence of the citizen getting married. In that case the citizen shall submit a reference letter from the place of temporary residence provided by the authorised bodies.

#### **What documents are submitted for the state registration of marriage?**

1. The joint written application of the persons who are getting married,
2. The identification documents of persons who are getting married, in case of foreigners, with a notarized translation;
3. In case of foreigners, a statement about the absence of a marriage provided by the authorized foreign bodies;<sup>9</sup>
4. A document on ceasing the previous marriage, if the person has been married previously (for instance, a divorce certificate, the death certificate of the spouse or a judgment of a court entered into legal force on recognizing the marriage as invalid, a judgment by a foreign court entered into legal force on divorce etc.).

#### **How much is the state rate?**

For the registration of marriage a state fee is charged equal to AMD 1000.

#### **What is the time limit for registration of marriage?**

The state registration of marriage is performed within 10 days after submitting a joint application to the territorial RCSA body.

#### **Which are the grounds for the state registration of divorce?**

1. The joint application of spouses to perform a divorce by the RCSA bodies with the mutual consent of the spouses,

---

<sup>9</sup> In case if it is not possible to acquire the statement, please consult with the RCSA in order to find a possible solution.

2. The application of one of the spouses, if the other has been recognized by the court as missing or legally incapable or has been convicted to imprisonment for not less than three years,
3. The judgment of the court entered into legal force in case of divorces performed through a court procedure (when the consent of one of the spouses is absent, when one of the spouses, despite the absence of an objection, avoids executing the divorce at the RCSA bodies, or when the spouses want to divorce through court with a mutual consent).

*For additional information please refer to the Agency for Registration of Civil Status Acts of the RA Ministry of Justice, Halabyan 41a, Yerevan; tel.: (010) 38-02-24, website: [www.moj.am](http://www.moj.am).*

## 8. Questions concerning state registration of death

### Which are the grounds for the state registration of death?

1. The document of the prescribed form certifying the death provided by the medical organization or a doctor;
2. The judgment of the court entered into legal force on the confirmation of the fact of the death of the person or of recognizing the person as dead.

### Which authority performs the state registration of death?

The RCSA body

1. of the last place of residence of the deceased,
2. of the place of the death,
3. of the finding of the corpse of the deceased,
4. of the place of the organization which provided the document on death.

According to the information provided by the RCSA Agency of the RA Ministry of Justice, the registration of death in Yerevan is done by the Territorial Department of Special Service in Yerevan of the RCSA Agency of the RA Ministry of Justice (address: Ayvazoski 14/4, Yerevan, telephone: (+374 10) 704026).

### What documents are required for the state registration of death?

For the state registration of death the following should be submitted:

1. Application
2. The document of the prescribed form certifying the death provided by the medical organization or a doctor.
3. The judgment of the court entered into legal force if the fact of the death of the person has been confirmed or if the person has been recognized as dead through a court procedure. The fact of not providing the identification document of the deceased is not an impediment to the registration of death.

**What is the time limit for registration of death?**

The state registration of death is performed on the day of submitting the application to the RCSA body.

**How much is the state fee?**

No state fee is charged for the state registration of death.

## **9. Questions concerning military service**

**What is military service?**

Military service is a special type of state service in armed forces or other troops. There are two types of military service: basic and reserve.

**What is basic military service?**

Basic military service consists of compulsory military service and contract enlisted service.

1. Compulsory military service is the military service of rank and file and officer corps, as well as of students of military educational institutions. It is 24 months for rank and file, and 2-3 years for reserve officers.
2. Contract enlisted service is the voluntary military service which is 3-5 years for officer corps and non-commissioned officers, and 2-3 years for rank and file.

*Article 4 of the RA Law "On active service"*

**Will I be conscripted if I have dual citizenship?**

1. Citizens of another country who have naturalized in the Republic of Armenia shall be exempt from compulsory military service if prior to naturalization in the RA he has served not less than 12 months in the armed forces of another state or has served alternative military service not less than 18 months in another state.
2. RA citizens who subsequently naturalize in another country shall not be exempt from compulsory military service regardless of the fact whether he has served in another country or not.
3. Dual citizen shall not be exempt from mobilization and drill meetings.

*Article 3<sup>1</sup> of the RA Law "On conscription"*

**What is the age of conscription in the RA?**

The age of conscription in Armenia is 18-27 years.

*Article 11 of the RA Law "On conscription"*

**Who can be exempt from compulsory military service?**

1. The citizen recognized by the national call-up commission as unfit for military service due to health condition (by being removed from military register), or the

citizen recognized as unfit for military service in peaceful time (by registering in the reserve),

2. The citizen, whose father (mother) or brother (sister) lost his (her) life (deceased) during the defence of the Republic of Armenia or during performance of their military duties in the armed forces or other troops, and he is the only male child of the family,
3. Citizen who are exempt from service in specific circumstances upon the decree of the Government of Armenia,
4. The citizen who had served the compulsory military service in the armed forces of foreign states prior to admitting the RA citizenship,
5. The citizen holding an academic degree (Candidate of Science or Doctor of Sciences) in case he is engaged in professional, scientific or pedagogical activity.

*Article 12 of the RA Law "On conscription"*

*For additional information contact the RA Ministry of Defence, address: Bagrevand 5, c. Yerevan, tel.: (010) 294699.*

## 10. Questions concerning social rights

### 10.1. Questions concerning the right to education

**Who has the right to education in the RA and what is the school age?**

Each person has the right to education in the RA. Basic general education is mandatory for all children.

Secondary education in state educational establishments is free of charge.

Each citizen has the right to receive education free of charge, on a competitive basis, in higher and other vocational state educational establishments.

In the RA general education commences from the age of six and is carried out in three-level secondary general education schools with a total duration of 12 years, with the following successive levels:

1. primary school (1<sup>st</sup>-4<sup>th</sup> grades),
2. middle school (5<sup>th</sup>-9<sup>th</sup> grades),
3. high school (10<sup>th</sup>-12<sup>th</sup> grades).

**What documents should be submitted for the admission to a general education school?**

1. Application letter,
2. 2 photos,
3. Copy of the child's birth certificate,
4. Medical certificate on the child's health (from the health care facility of the catchment area),
5. Statement on the student's transfer from one school to another approved by the director of the school concerned (for admission to grades higher than the first one),

6. Student's personal file approved by the director of the school concerned (for admission to grades higher than the first one).

If you are missing any of these documents, please seek advice from the children's rights protection units under the Municipality of Yerevan (marzpetarans in marzes) or from organisations listed in Annex 2 of this brochure.

**What higher educational establishments are there in the RA?**

- university,
- institute,
- academy,
- conservatory.

**What qualification levels are there in the RA?**

- bachelor's degree,
- specialist's degree with diploma,
- master's degree.

**How much should be paid for the conduction of examinations in higher educational establishments in the RA?**

For the organization and conduction of examinations each applicant shall pay AMD 1500 per examination. The amount paid shall not be refunded regardless of the participation and result of the examination.

**Who is exempt from the examination fee of higher educational establishments in the RA?**

- Those demobilized from mandatory military service,
- Disabled persons of the 1<sup>st</sup> and 2<sup>nd</sup> groups and those under the age of 18 with childhood disabilities,
- Children of military servicemen who lost their lives (deceased) during the defence of the RA,
- Citizens who became disabled during performance of their duties of basic military service,
- Persons under the age of 23 without parental care.

**What privileges are in place for Syrian Armenian applicants entering higher educational establishments in the RA?**

Every year diasporan Armenians may apply to be admitted to the preparatory department of any faculty of the Armenian higher educational establishments. To do this, he/she should submit documents either to the RA Ministry of Education and Science or diplomatic missions of the RA in foreign countries between the period of July 01 and October 31, with the purpose of studying the Armenian language and professional subjects, and at the end of the academic year upon successful completion of the examinations they can either continue their studies or, by passing an interview on the subjects foreseen for admission and displaying satisfactory knowledge, immediately be admitted to the first year of the relevant faculty.

**What documents should you submit?**

1. Application letter addressed to the RA Minister of Education and Science with a mention of the chosen higher educational establishment and profession,
2. Copy of the passport,
3. Copy of the birth certificate with its Armenian (Russian) translation validated by the notary,
4. Copy of the certificate of education with its Armenian (Russian) translation validated by the notary, and the list of subjects studied and examinations passed,
5. Statement on general health condition,
6. Statement on AIDS,
7. Six photos (4x5cm).

**Is admission of Syrian Armenian applicants to higher educational establishments of the RA possible on a free of charge basis?**

As all diasporan Armenians, a Syrian Armenian applicant can be admitted by state order (free of charge):

- If at the admissions exam, he/she receives high scores,
- If the admissions commission makes a state order within the framework of the admission procedures for foreigners.

*For additional information contact the RA Ministry of Education and Science, address: Government Building #3, Republic Square, c. Yerevan, tel.: (010) 52-06-32, hot line: (010) 52-73-43.*

## **10.2. Questions concerning job selection**

Each person has the freedom of job selection in the RA.

The ability of having employment rights and bearing responsibilities is equally recognized for all the citizens of the Republic of Armenia. Foreign citizens, stateless persons have the same right to employment in the RA as the citizens of the Republic of Armenia do.

**What is “State Employment Service” agency?**

It is a separated sub-division of the RA Ministry of Labour and Social Affairs whose task is to organize the following free of charge:

- recruitment,
- professional training courses,
- job fair.

**Who can apply to the State Employment Service and what documents are required for registration?**

Each job seeker can apply by presenting the following documents:

1. passport or another identity document,
2. public services number or a statement on not having it,
3. those who have acquired education – the document on education.

**What documents are required for granting a status of unemployed to a person registered in the State Employment Service?**

1. Statement on not receiving pension (from the territorial body of social service),
2. Document verifying the length of social insurance,
3. Military ID (persons who served in the military service),
4. Document on education (those who have acquired education),
5. Statement on the actual place of residence (from the Condominium),
6. Statement on the length of making mandatory social insurance payments or receiving salary,
7. Statement on the absence of agricultural land ownership or rental right in the name of the job seeker (from the State Committee of Cadastre for the Real Estate).

*For additional information contact "State Employment Service" Agency of the RA Ministry of Labour and Social Affairs, address: 68 K. Ulnetsi street, 5<sup>th</sup> floor, c. Yerevan, tel.: (010) 280619, hot line: 0800-01020.*

### **10.3. Questions concerning medical assistance**

**Who has the right to medical assistance in the RA?**

Each person has the right to receive medical care and service by the means prescribed by law.

Each person, including a foreigner, is entitled to receive free basic health care services. The list of services and procedure of provision are prescribed by Order N 71-N<sup>10</sup> of the Minister of Health dated 18.11.13 which governs the relations related to the provision of inpatient medical assistance and service in the framework of free health care and service guaranteed by the state for the population of 18 years of age and older.

*For additional information contact the RA Ministry of Health, address: Government Building #3, Republic Square, c. Yerevan, tel.: (010) 54-40-27, (010) 54-40-28, hot line: (010) 52-88-72.*

### **10.4. Questions concerning benefits**

**Who is entitled to state benefits?**

1. RA citizens,
2. Foreign citizens residing in Armenia and having residence permit (residency status),
3. Stateless persons residing in the RA,
4. Persons with refugee status in the RA.

*Article 2 of the RA Law "On State Benefits"*

**What are the types of state benefits?**

1. Family benefit,
2. Social benefit,
3. Temporary disability benefit,

<sup>10</sup> See Order N 71-N of the Minister of Health, <http://www.arlis.am/documentview.aspx?docID=87826>

4. Disability benefit,
5. Lump-sum child birth benefit,
6. Child care allowance for children under two years of age.

*Article 5 of the RA Law "On State Benefits"*

#### **Who is eligible for family benefit?**

A family registered in the family poverty assessment system (Paros) and having a member under the age of 18 shall be entitled to receive a family benefit. The monthly base rate of family benefit amounts to AMD 16000.

*Article 13 of the RA Law "On State Benefits", Government decree N 65-N of 30.01.14*

#### **Who is eligible for social benefit?**

A family registered in the family poverty assessment system and not having a member under the age of 18 shall be entitled to receive social benefits. The monthly base rate of social benefit amounts to AMD 16000.

*Article 16 of the RA Law "On State Benefits", Government decree N 65-N of 30.01.14*

#### **What are the types of temporary disability benefits?**

Types of temporary disability benefit are:

1. Sickness (injury) benefit,
2. Benefit in connection with prosthetic repair,
3. Benefit due to the need of sanatorium therapy,
4. Pregnancy and labour allowance,
5. Attendance allowance for the sick member of the family.

#### **Who is eligible for disability benefits?**

Disability benefit shall be granted to a person with disability who is not entitled to pension, as well as to the person recognized as "a child with disability". Disability benefit is granted for the entire period of the disability.

#### **What are the rates of disability social benefit?**

The monthly rates of disability social benefit are:

- For the person belonging to the first group of disability - AMD 19600,
- For the person belonging to the second group of disability - AMD 16800,
- For the person belonging to the third group of disability - AMD 14000.

*Article 30 of the RA Law "On State Benefits", Government decree N 1489-N of 26.12.13*

#### **What are the rates of lump-sum child birth benefits?**

The rate of lump-sum child birth benefit amounts to AMD 50.000 for the first, second and third child born in the family. For each subsequent child, the amount is AMD 430.000.

*Government decree N 65-N of 30.01.14*

#### **Who is eligible for child care allowance?**

One of the two parents or single parent or adopter or guardian who takes child care leave

in accordance with the Labour Code of RA shall be entitled to child care allowance for children under two years of age until the child turns two.

The monthly rate of child care allowance for children under two years of age amounts to AMD 18000.

*Article 23 of the RA Law "On State Benefits", Government decree N 65-N of 30.01.14*

## 10.5. Questions concerning disability

**Is the definition of disability given previously in Syria recognized in the RA?**

Based on the fact that the disability group is defined differently in different countries, the citizen of Syria must be given a disability category in the RA.

**What is required to receive 1st, 2nd, 3rd group of disability:**

1. Get a discharge summary as a result of outpatient treatment (also called 'epicrisis').
2. Apply to the polyclinic<sup>11</sup> of the place of actual residence and receive a referral for medical-social expert examination (persons without registration can undergo medical-social expert examination by submitting a statement from the place of actual residence). The referral must contain detailed information about the diagnosis of the disease, treatment results and the degree of malfunction of the body system.
3. Based on the referral received from the polyclinic you should turn to the commission conducting medical-social expert examination of the catchment area of actual residence.
4. During the expert examination the members of the commission examine the person, formulate the expert diagnosis and assess the level of limitations of their body function. After discussion of the results the commission makes an expert decision and depending on the level of the person's incapacity to work, they determine the disability group.

**What period is disability granted for?**

Disability of the 1<sup>st</sup> group – for a period of two years,

Disability of the 2<sup>nd</sup> and 3<sup>rd</sup> groups – for a period of one year,

Status of "a child with disability" – for a period of two years or until the age of 18.

**What are the grounds for recognition in a disability group?**

The following are the grounds for being recognized in a disability group:

1. Childhood disease,
2. Systemic disease (congenital, acquired),
3. Occupational trauma or injury,
4. Occupational disease (arisen due to professional activity),
5. Natural, man-made and other disasters, as well as the disease, trauma or injury acquired during the efforts towards elimination of their consequences,

---

<sup>11</sup> To be able to apply to the polyclinic, you have to have your address of residence registered.

6. The disease, trauma or injury acquired during the efforts towards elimination of the consequences of Chernobyl nuclear power plant accident and other radiation disasters,
7. The disease, trauma or injury acquired during the World War II and military actions in other countries,
8. The disease, trauma or injury acquired during the defense of the RA,
9. The disease, trauma or injury acquired during military service,
10. The disease, trauma or injury acquired during performance of their military duties,
11. Other cases prescribed by law.

*Article 6 of the RA Law "On social protection of people with disabilities in the Republic of Armenia"*

#### **What privileges do people with disabilities have?**

- Persons with disabilities of the 1<sup>st</sup> and 2<sup>nd</sup> groups and persons with the status of "a child with disability" who have gathered positive scores at the higher education entry exams shall be admitted to the free of charge system of state higher and secondary-vocational educational institutions in case they gather at least passing scores for the fee-based system.
- Tuition fees of persons with disabilities of the 1<sup>st</sup> and 2<sup>nd</sup> groups and persons with the status of "a child with disability" who have been admitted to state higher and secondary-vocational educational institutions shall be covered from the State budget. Persons with disabilities receiving daytime education shall, in case of gathering positive scores at the term exams and tests, be paid a stipend regardless of the benefit or pension received.

*Article 14 of the RA Law "On social protection of people with disabilities in the Republic of Armenia"*

- For persons with disabilities of the 1<sup>st</sup> and 2<sup>nd</sup> groups a reduced length of working hours of not more than 36 hours per week shall be defined.
- No probation period shall be set for hiring persons with disabilities. During reduction of the number of employees or positions in case of equal work productivity and similar qualification the disabled persons shall enjoy the advantage of preserving their job.

*Article 19 of the RA Law "On social protection of people with disabilities in the Republic of Armenia"*

- Persons with disabilities with disorders of musculoskeletal system shall be granted the right to build a garage near their place of residence.

*Article 32 of the RA Law "On social protection of people with disabilities in the Republic of Armenia"*

*For additional information contact the RA Ministry of Labour and Social Affairs, address: Government Building #3, Republic Square, c. Yerevan, tel.: (010) 52-08-30. You may also contact the social protection units in marzpetarans<sup>12</sup> or the regional centres for complex social services if available in your community (check availability from the Ministry of Labour and Social Affairs).*

---

<sup>12</sup> You may find the contacts of social protection units in Yerevan following this link: [http://www.mlsa.am/home/index.php?code\\_id=368&menu\\_id=362](http://www.mlsa.am/home/index.php?code_id=368&menu_id=362)

## 10.6. Questions concerning the public services number

### What is a public services number?

It is a combination of ten-digit characters provided to each RA citizen, foreign citizen legally residing in Armenia, stateless person permanently residing in the RA, and refugees. It is issued in place of social security card issued formerly. The number is formed on the basis of the personal data – sex, day, month and year of birth, entered into the state register of population as prescribed by law, which includes also a subsequent additional three-digit number and one verifying digit.

*Article 2 of the RA Law "On public services number"*

### When is a public services number needed?

1. Payment of salary and other similar income, granting and payment of life pension, benefit, compensation prescribed by state programmes of social security,
2. Calculation and payment of taxes, duties, mandatory fees,
3. Opening of a bank account,
4. Management of information databases of state and local self-governmental bodies, public and community-based organizations,
5. Other cases prescribed by law.

*Article 3 of the RA Law "On public services number"*

In cases when a person has refused to acquire a public services number, this refusal can neither serve as a basis for restriction of any rights nor hinder execution of the person's rights. In case of refusal, you should receive a statement from the territorial passport office on the absence of a public services number.

*Article 6 of the RA Law "On public services number"*

### How to receive a public service number?

In order to receive a public services number one should apply to the Passports and Visa Department of the RA Police or the territorial passport service of the place of residence of the citizen. The number is provided free of charge.

## 11. Questions concerning the registration at the address of permanent residence

### How to register at the address of permanent residence?

For the registration in the state register of population, an RA resident shall provide the address of his/her permanent residence (dwelling) to the passport division of his/her place of residence by submitting a defined application form, identity and other documents certifying the right to reside in the place concerned.

Non-citizens of the RA shall also submit a document certifying their right of residence

(residence status, status of asylum seeker or refugee) in the territory of the RA. Along with the identification document, foreigners shall submit a notarized copy of the document or the Apostille provided by the relevant body.

When a non-registered person or the person to be registered in connection with changing the place of residence cannot submit a document certifying his/her right of residing in the area concerned (for instance, he/she rents the property), the fact of the person residing at the address stated in the application shall be verified by the police not later than within 5 working days upon receipt of the application. After verifying the fact of the person residing at the specified address the police shall send a statement certifying or denying the fact of actual residence to the passport service of the place of residence the same working day but not later than 10:00 o'clock of the next working day.

Registration of the persons concerned shall be carried out within 3 working days upon receipt of the statement certifying the fact of actual residence by the passport service. **Such registration does not require the consent of the owner of the house where you live.**

Upon receipt of a statement denying the fact of actual residence the passport service shall reject the applicant in writing within 3 working days.

Registration shall not give rise to the right of ownership, as well as use of the residential area.

*Government decree N 1231-N, 14.07.05*

*For additional information contact Passports and Visa Department of the RA Police, address: Building 17/10, 4th district, Davtashen, Yerevan city, hot line: (010) 37-02-64.*

## 12. Questions concerning driver's license

### **Can I use my Syrian driver's license in Armenia?**

The driver's licenses of Syrian Armenians shall be exchanged without passing any tests. A national driver's license of the RA shall be issued for a period of one year provided that they pass tests within that time frame.

The RA national driver's license shall be granted on the basis of the Syrian driver's license which must be translated and validated by the notary. In order to obtain a national license, the passport and a statement from the place of residence (in case of absence of registration of address) must also be submitted.

*Government decrees: N1205-N of 31.10.2013; N1106-N of 23.08.2013; N334-N of 04.04.2013.*

### **What tests must be taken for a driver's license?**

1. theoretical,
2. practical.

Theoretical and practical tests can be taken multiple times by paying the stipulated state

duty each time. The positive score of the theoretical exam is valid for one year during which practical driving test can be taken. Upon failure of the practical test re-taking of the theoretical exam is not required.

**What fees are stipulated for the tests:**

For the theoretical exam – AMD 3,000,

For the practical exam – AMD 13,000.

A state duty amounting to AMD 12,000 is stipulated for the RA national driver's license.

*For additional information please contact the Registration and examination division (of the RA Road Police) in Yerevan, address: 76 Gajegortsneri street, c. Yerevan, tel.: (010) 43-03-91, or visit the following website: [www.varord.am](http://www.varord.am).*

### 13. Questions concerning name changes

A person aged 16 years or above shall have the right to change his/her name. This includes the name, patronymic and last name.

**Which agency conducts state registration of name change?**

State registration of name change shall be done by the consent of the RA Ministry of Justice at the Civil Status Acts Registration agency located in the place of state registration of the person's permanent residence or birth place.

**Which documents are required for state registration of name change?**

1. Applicant's identity document,
2. Birth certificate of the person who wishes to change his/her name, if changes shall be done therein,
3. Applicant's marriage certificate if the applicant is married,
4. Divorce certificate if the applicant wishes to restore the premarital last name,
5. Birth certificate of each underage child of the applicant,
6. Consent of the person's parents or legal representatives on name change in case the person is 16-18 years old,
7. Statement on military service from military unit (military management agency) in case of military servicemen,
8. 2 photos of 3 x 4 cm size,
9. Other necessary documents.

*Article 59 of the RA Law "On Civil Status Acts";  
Government decree N941-N of 23.06.05*

The territorial agency of CSAR shall examine the application on name change within two months from receiving the application.

Refusal of registration of name change can be appealed in the court.

**When is the name change of children under 16 years of age possible?**

Registration of change of name, patronymic and last name of children under 16 years of age shall be permitted when one of the following valid reasons is presented:

1. Sound of the name, last name,
2. Difficulty of pronunciation of the name or last name,
3. Wish to bear the last name of the other parent by the parents' consent,
4. When recording the birth the child was given a name or last name without taking the parents' wish into consideration,
5. Considering the child's best interests, when the child actually bears a name different from the name stated in his/her birth record,
6. When the child's incomplete name (hypocoristic, shortened, diminutive) is stated in his/her birth record.

**When is the name change of persons above 16 years of age possible?**

Registration of change of name, patronymic and last name of persons above 16 years of age shall be permitted when one of the following valid reasons is presented:

1. Sound of the name, patronymic, last name,
2. Difficulty of pronunciation of the name, patronymic, last name,
3. One spouse's wish of sharing one common last name with the other spouse,
4. Wish to bear the premarital last name,
5. Wish to share a common last name with the children if the husband died and the applicant was bearing the premarital last name,
6. Applicant's wish to bear the patronymic and last name of the person who raised him/her,
7. Applicant's wish to bear a last name and name corresponding to his/her nationality,
8. Applicant's wish to bear his/her ancestral last name,
9. When the person actually bears a name different from the name stated in his/her birth record.

*Government decree N 941-N of 23.06.05*

**What is the fee for registration of a change in name?**

A fee of AMD 5000 shall be levied for change of name, patronymic and last name. If the person wishes to obtain the opinion of the RA Ministry of Justice on the change of name, patronymic, last name faster than the two month time-frame, then the person should pay as follows:

- within three working days – AMD 50000,
- within five working days – AMD 30000,
- within ten working days – AMD 20000.

*For additional information contact the RA Ministry of Justice, address: 41a Halabyan street, c. Yerevan, tel.: (010) 35-83-99, hot line: (010) 35-83-99.*

## 14. Questions concerning the right to vote

### Who has the right to vote in national and local elections of RA?

Non-citizens of the RA have the right to vote only at the elections of local self-governmental bodies in case of having at least six months' registration prior to the date of election in the population register of the community where the election takes place. Those individuals who are 18 as of the election day shall have the right to vote.

That is, non-citizens of the RA cannot participate in the presidential and parliamentary (National Assembly) elections of the RA. They can elect a community council and community mayor.

*Article 2 of the RA Electoral Code*

*For additional information contact the Central election commission of the RA, address: Building 21a, Gevorg Kochar street, c. Yerevan, tel.: (010) 54-35-23.*

## 15. Questions concerning the customs legislation

Persons arriving in the Republic of Armenia for permanent residence can import their personal use property without payment of customs duty.

*RA Customs Code, Article 105*

### What is considered to be 'personal property' of the persons arriving in the RA for permanent residence?

- Used items of personal use of the person,
- Vehicle for personal use,
- Used household furniture.

They must not have factory packing and label and must be purchased by the person prior to the arrival in the RA.

Moreover, the vehicle of personal use must be last deregistered in the country where the person arriving in the RA has last resided permanently prior to registering as a permanent resident of the RA.

*RA Customs Code, Article 2*

### Who may be considered as a person arriving in the RA for permanent residence?

- RA citizens who left the territory of the RA for another state for permanent residence while deregistering from permanent residency of the RA,
- RA citizens who had no place of permanent residence in the RA in the past,
- Foreign citizens and stateless persons.

The above-mentioned persons shall register in the RA as permanent residents and submit the customs agency a document certifying the fact of their permanent residence in the

RA – a passport with a note of the person's place of permanent residence (or another document in place of that).

*RA Customs Code, Article 105*

*For additional information contact the RA Customs service, address: 3 Movses Khorenatsi street, c. Yerevan, tel.: (010) 59-43-11, hot line: 060 54-44-44.*

## 16. Questions concerning entrepreneurial activities

### **Are there any loan privileges granted to Syrian Armenians?**

Since March 2013 the Small and Medium Entrepreneurship Development National Center (SME DNC) with the sponsorship of the UN High Commissioner for Refugees (UNHCR) in Armenia has initiated "Start-up business support programme for Syrian Armenians" free of charge, the aim of which is to help Syrian Armenians to realize their business ideas.

The duration of the training is one month, which involves components of training, business consulting and provision of information. By participating in the programmes entrepreneurs will acquire knowledge on business planning, marketing, management, production and finance planning, will learn about the legislative aspects, as well as under the guidance of experienced professionals will develop their own business plans.

### **In which cases will loans be lent and under what conditions?**

The realistic business plans that were part of the programme and received the highest estimation shall be lent loans under the following conditions:

- maximum 5 million AMD,
- annual interest rate – 4%,
- up to 5 years of repayment period,
- (100%) guarantee without collateral provided by the SME DNC of Armenia.

*For additional information contact SME DNC of Armenia, address: Building 5a, Mher Mkrtchyan street, c. Yerevan, tel.: (010) 58-32-61, also Building 49/3, 7th floor, Komitas ave., c. Yerevan, tel.: (010) 23-71-02 (106).*

*URL: <http://www.smednc.am/hy>*

### **How can a person engage in entrepreneurship in the RA?**

- By registering as a individual entrepreneur,
- By establishing a commercial legal person.

### **Who is individual entrepreneur (IE)?**

IE is the person who is entitled to carry out an activity without forming a legal entity, independently, on his/her behalf and at his/her risk, the main aim of which is to generate profit (income) from the use of property, sale of goods, performance of works and provision of services.

### **Who can be individual entrepreneurs?**

- RA citizens,
- Refugees,
- Foreign citizens,
- Stateless persons.

*Article 1 of the RA Law "On individual entrepreneur"*

An individual entrepreneur must possess property with the right of ownership and shall be liable for his/her obligations with that property.

On his/her behalf he/she can acquire and exercise property and personal non-property rights, bear responsibilities, appear in court as plaintiff or respondent.

*Article 6 of the RA Law "On individual entrepreneur"*

### **What documents are required to register as an IE?**

1. Copy of passport (in case of a foreigner – the copy of the passport should be translated and validated by notary),
2. Fee of AMD 3000.

It is possible to register as an IE also via the electronic register of the RA Government following this link: <https://www.e-register.am/>.

### **What documents are required to deregister IE?**

1. Application letter,
2. Certificate of registration of individual entrepreneur.

### **Who is a commercial legal person?**

- Limited liability companies,
- Joint-stock companies.

### **What is a limited liability company?**

It is a company founded by one or several persons, the authorised capital of which is divided into shares at rates prescribed by the by-laws of the company.

The company as an ownership has separate property and is liable for its obligations with that property. It can acquire and exercise property and personal non-property rights on its behalf, bear responsibilities and appear in court as plaintiff or respondent.

*Article 3 of the RA Law "On Limited Liability Companies"*

### **What are joint-stock companies?**

- Open joint-stock company,
- Closed joint-stock company.

### **What is an open joint-stock company?**

A company is considered open when its shareholders have the right to alienate (sell, donate etc.) the shares belonging to them without the consent of the other shareholders.

The number of shareholders of open joint-stock companies is not limited.

### **What is a closed joint-stock company?**

A company is considered closed when the shares of the company are only distributed among its shareholders (including the founders) or between other pre-determined persons.

A closed joint-stock company shall have not more than 49 shareholders. When the number of shareholders exceeds 49 the company shall restructure within a period of one year or shall subsequently reduce the number of its shareholders. Otherwise it shall be liquidated by court.

*Article 8 of the RA Law "On Joint-Stock Companies"*

### **Which documents are required for the start-up registration of commercial legal persons?**

For an LLC only the copy (copies) of the passport(s) of the founder(s) is(are) required.

It is possible to register an LLC also via the electronic register of the RA Government following this link: <https://www.e-register.am/>.

For the registration of an open or closed joint-stock company, the following is needed:

1. application,
2. minutes of the founders' meeting on founding of a legal entity. When a legal entity is founded by one person the written decision of the founder and the passport copy of the head of the executive body are submitted.

No fees are stipulated for the start-up registration of commercial legal entities.

*For additional information contact the State Register Agency of Legal Entities of the RA, address: Building 49/3, Komitas ave., c. Yerevan, tel.: (010) 20-14-45, (010) 20-14-49.*

## **17. Questions concerning taxes**

### **What is 'Income Tax'?**

Income tax is a direct tax paid to the State budget of the RA which is levied from natural persons from the taxable income of the reporting period.

### **Who are income tax payers?**

- RA citizen,
- Refugee,
- Foreign citizen,
- Stateless person,
- Individual entrepreneur,
- Notary.

*Article 3 of the RA Law "On income tax"*

### **What is taxable income?**

Taxable income is the positive difference between the natural person's gross income for the reporting period and the deductions as prescribed by the RA Law "On income tax".

*Article 4 of the RA Law "On income tax"*

### **What are the duties of tax payers?**

Natural persons, individual entrepreneurs, notaries shall file annual income calculations with the tax office electronically no later than April 15 of the year following the reporting year and shall pay the amount of the income tax to the State budget no later than May 1 of the year following the tax year in question.

*Articles 22 and 23 of the RA Law "On income tax"*

### **What is 'Profit Tax'?**

Profit tax is a direct tax paid by taxpayers to the State budget in the procedure and amount prescribed by the RA Law "On profit tax".

*Article 2 of the RA Law "On profit tax"*

### **Who are profit tax payers?**

- Resident organizations of the RA,
- Non-resident organizations of the RA.

Resident organizations are the ones established in the RA (having state registration).

Non-resident organizations are the ones established in foreign countries, as well as international organizations and the organizations established by them outside the Republic of Armenia.

*Article 4 of the RA Law "On profit tax"*

### **What is the object of taxation by profit tax?**

For residents the object of taxation is the taxable profit received within and outside the territory of the Republic of Armenia.

For non-residents the object of taxation is the taxable profit received from Armenian sources.

*Article 54 of the RA Law "On profit tax"*

### **What is taxable profit?**

Taxable profit is the positive difference between taxpayer's gross income (total earnings of the taxpayer received in the reporting year, irrespective of the source) and deductions defined by law. Moreover, the amount of the same deductions shall be deducted from gross income only once.

$$\text{Taxable profit} = \text{gross income} - \text{deductions} > 0$$

*Article 6 of the RA Law "On profit tax"*

### **What is value added tax (VAT)?**

VAT is an indirect tax which shall be levied for imported goods for the supply of goods and provision of services by the supplier and is recovered by the buyer at all stages of the trade chain until the end consumer.

*Article 1 of the RA Law "On value added tax"*

### **Who are VAT payers?**

Any person (individual entrepreneur, legal entity, etc.) who carries out economic activity and whose taxable turnover of implemented transactions in the previous calendar year exceeds 58.35 million Armenian drams (VAT threshold) shall be deemed a VAT payer.

In the current year a person shall be deemed a VAT payer if in the current year the taxable turnover of transactions implemented at any time exceeds the VAT threshold. In this case VAT shall be calculated for the portion that has exceeded the VAT threshold.

### **Which transactions are subject to VAT taxation?**

- Supply of goods (including free and partially free supply),
- Rendering of services (including free and partially free provision),
- Import of goods.

### **Which transactions are considered to be supply of goods?**

- alienation of buildings and lands of public and production use,
- alienation of similar type of property for the second or more times in one calendar year, if the property alienated the second or more times has been acquired within one year.

*Article 6 of the RA Law "On value added tax"*

### **Which transactions are not subject to VAT taxation?**

- Alienation of private property and residential building of persons, except for the cases prescribed by law which are not deemed to be supply of goods,
- the goods which are included in the list approved by law and imported by organizations and individual entrepreneurs for the import of which the rate of customs duty is 0 per cent and which are not subject to excise tax,
- any goods or services which are rendered freely as part of a warranty or warranty agreement,
- gratuitous provision of goods and services if it is carried out pursuant to the RA Government decrees or by non-governmental (including charitable) and religious organizations in a legal manner,
- delivery of those goods and provision of those services that are VAT exempt.

*Article 7 of the RA Law "On value added tax"*

### **What is the property tax?**

Property tax is a direct tax on the property considered a taxable object and owned by taxpayers by property right which does not depend on the outcomes of the taxpayers' economic activity.

*Article 2 of the RA Law "On property tax"*

### Who are property tax payers?

Organizations set up in the Republic of Armenia and foreign countries, international organizations and organizations established by them outside the Republic of Armenia, RA citizens, foreign citizens as well as those stateless persons who possess property in the territory of the Republic of Armenia that is considered a taxable object, are deemed payers of property tax except the RA state bodies, the RA Central Bank, the RA local governments and institutions.

*Article 3 of the RA Law "On property tax"*

### What are the objects of taxation by property tax?

- buildings and constructions,
- private residential house,
- apartment,
- garden-house (dacha),
- multi-flat residential building,
- non-residential area of residential building,
- garage,
- construction of public use,
- construction of production use,
- incomplete (semi-built) construction unit,
- constructions that are newly built, purchased, registered and assessed by the authorized body maintaining the real property cadastre in compliance with the RA laws, which have not yet received state registration.
- buildings and constructions built illegally on the land plot by persons possessing the right of ownership or land use (including illegally built constructions in multi-flat buildings or adjacent to buildings),
- vehicles – motor vehicle, watercraft, snowmobile, off-road vehicle (quadricycle) and motorcycle.

*Article 4 of the RA Law "On property tax"*

### What are your rights as tax payers?

The tax payer may:

- Prohibit inspection as well as provision of documents to tax inspectors by notifying the tax inspection authority thereon the same day, if the inspectors have violated the procedure and time frames of conducting inspections,
- Acquaint yourself with the inspection acts,
- Give explanations, clarifications, put motions, appeal the actions of the persons conducting inspection as prescribed by law,
- Demand compensation for the damage caused due to illegal actions of tax inspectors,
- Not comply with demands beyond the competences of tax inspectors as well as inspection purposes,
- Ensure participation of specialists, experts, auditors, advocates in any stage with the purpose of protection of the interests of the legal entity under inspection.

### **What are your responsibilities as tax payers?**

#### **The tax payer shall:**

- Not hinder the progress of inspections and comply with the legal demands of the tax inspector,
- Upon the tax inspector's request produce required documents and data, submit their scanned copies (scanning expenses shall be covered by the inspection authority), copies and other information,
- Create necessary conditions for the activities of tax inspector,
- Eliminate the drawbacks and breaches stated in the act of inspection results by notifying the inspection authority thereon in writing.

### **What are the rights of tax inspectors?**

#### **Tax inspectors shall:**

- Have unimpeded access to subdivisions of the legal entity with the participation of the legal entity's representative,
- Request documents, data and other information, explanations, references, which are directly related to the purposes stated in the order or recommendation,
- By the consent of the legal entity's director or his/her substitute deal only with the specialists of the legal entity during inspection where necessary,
- Set deadlines for the elimination of the detected drawbacks and breaches which do not incur criminal or administrative liability,
- Take documents, copies, scanned copies, items, samples and other necessary materials which are directly related to the inspection purposes and do not hinder the normal operation of the legal entity.

### **What are the responsibilities of tax inspectors?**

#### **Tax inspectors shall:**

- Comply with the requirements related to the RA laws and other legal acts,
- Not disclose information about the legal entity's operations, any project or development of their activity, invention, useful model, industrial sample and any other related information revealed to them during inspection without written consent of the executive of the legal entity,
- Protect the rights and interests of the legal entity prescribed by laws and other legal acts,
- Not hinder the normal operation of the legal entity,
- Make the executives of the legal entity familiar with their rights and responsibilities,
- During inspection exclusively rely on the laws and other legal acts published in the RA Official Journal and RA official journal of normative-administrative acts when such a requirement is prescribed at the time of their entry into force,
- Reply to any written inquiry of the head of the legal entity or his/her substitute during inspection directly related to the inspection of the period of time under inspection of the legal entity.

**What is the procedure for appealing against the actions of tax inspectors?**

- Unless otherwise prescribed by law, the actions of the persons conducting inspection as well as the act filed during inspection can be appealed within two months to the state authority to whom the inspecting person(s) is (are) directly subordinated or to court,
- Complaints shall be investigated by the supervisor and decisions thereon shall be taken not later than within 30 calendar days from the date of receiving the complaint. If no response is provided within the specified period the presented arguments shall be deemed accepted. Calculation of the period of time specified in this point shall commence on the first working day following the day the written complaint was registered with the corresponding authority,
- When disagreeing with the decision taken the head of the legal entity or his/her deputy person shall have the right to appeal it in court.

*For additional information contact the RA Customs service, address: 7 Movses Khorenatsi street, c. Yerevan, tel.: (060) 54-46-57, hot line: 060 54-44-44.*

## Annex 1

### Office of the Human Rights Defender of the Republic of Armenia

Address: Yerevan, 56a Pushkin street; tel.: 010 53 76 51; Hot line: 116; webpage: [www.ombuds.am](http://www.ombuds.am); email: [ombuds@ombuds.am](mailto:ombuds@ombuds.am). Please contact the Human Rights Defender, if your rights have been violated by state authorities or state officials. The Human Rights Defender does not examine cases which are or should be in court.

#### Organizations providing free advice

**Public Defender's Office**, address: 5 Zakyan street, c. Yerevan, tel.: 010 60 07 12

**Center for Coordination of Syrian-Armenians' Issues**, address: 9 Alek Manukyan street, c. Yerevan, tel.: 010 51 22 53, 010 51 22 58

**Mission Armenia**, address: 42 G. Nezhdeh street, c. Yerevan, tel.: 010 44 47 92, 010 44 47 93

**Armenian Relief Society**, address: 116/24, Nalbandyan street, c. Yerevan, tel.: 010 567 513

**AD Sakharov Armenian Human Rights Center**, address: 1 Samen street, c. Yerevan, tel.: 010 54 29 63, 010 58 78 64

**"Aleppo" Compatriotic Charitable Non-Governmental Organization\***, address: 11 Northern avenue, c. Yerevan, tel.: 010 54 53 69

**Armenian Red Cross Society\***, address: 21/1 Paronyan street, c. Yerevan, tel.: 010 58 36 30

*\* The last two organisations marked with asterisk do not have a lawyer, but you still can contact them for advice and referrals for appropriate agencies/organisations*

**Annex 2**

**List of legal acts relating to Syrian-Armenians  
prepared by the Ministry of Diaspora of the  
Republic of Armenia and adopted by the RA Government**

1. RA Law on Making an Addition to the RA Law on State Fee dated 1 November, 2012,
2. Decision of the RA Government N 950-N dated 26 July 2012 on making an addition to the decision of the RA Government N 821-N dated 25 December 1998,
3. Decision of the RA Government N 951-N dated 26 July 2012 on the approval of the list of those countries citizens of which can be provided with a passport of the citizen of the Republic of Armenia in Diplomatic Representations or Consular Offices of the Republic of Armenia in foreign countries in case of acquiring citizenship of the Republic of Armenia for the first time,
4. Decision of the RA Government N 1106-N dated 23 August 2012 on the exchange of driver's licences of citizens of the Syrian Arab Republic of Armenian origin,
5. Decision of the RA Government N 1469 -N dated 22 November 2012 on establishing a privilege regarding a state duty,
6. Decision of the RA Government N 983-N dated 2 August 2012 on making additions to the Decision of the RA Government N 1290-N dated 1 November 2007
7. Decision of the Prime Minister N 9-A dated 14 January 2011 on establishing an interdepartmental committee coordinating the problems of Syrian-Armenians,
8. Decision of the RA Government N 334-N dated 4 April 2013 on exchanging the driver's licences of citizens of the Syrian Arab Republic of Armenian origin
9. Decision of the RA Government N 656-N dated 6 June 2013 on supporting the construction of the district New Aleppo in the town of Ashtarak,
10. Decision of the RA Government N 1099 dated 8 August 2013 on making changes to the decision of the RA Government N 951-N dated 26 July 2012,
11. Decision of the RA Government N 1199-N dated 31 October 2013 on permitting the prolongation of the customs regime "Temporary import" applied to the products imported to the Republic of Armenia by the customs regime "Temporary import" by the citizens of the Syrian Arab Republic of Armenian origin
12. Decision of the RA Government N 1205-N dated 31 October 2013 on making changes to the Decision of the RA Government N 334-N dated 4 April 2013
13. Decision of the RA Government N 1433-N dated 12 December 2013 on making a change and an addition to the Decision of the RA Government N 1183-N dated 10 October 2013.





**Chamber of Advocates  
of the Republic of Armenia**  
0010, Yerevan, Armenia, 3 Zakiyan Str.,  
Tel: (+37410) 600 701, (+37410) 600 702  
Fax: (+37410) 600 703  
Email: [info@advocates.am](mailto:info@advocates.am)



**UNHCR Armenia**  
14 Petros Adamyany Str.,  
0010 Yerevan, Armenia  
Tel.: (+37410) 545 935, 564 771  
Fax: (+37410) 567 817  
Email: [armye@unhcr.org](mailto:armye@unhcr.org)

## Appendix 5: Bibliography

### List of written sources:

Armenia Now: *DIY Incident Stirs National Debate: Hate crime was "right and justified" says deputy speaker of the National Assembly*, ArmeniaNow.com, 18 May 2012,

[https://www.armenianow.com/society/38162/diy\\_gay\\_lesbian\\_club\\_bomb\\_attack\\_yerevan\\_reactions](https://www.armenianow.com/society/38162/diy_gay_lesbian_club_bomb_attack_yerevan_reactions)

Council of Europe, *Lack of Effective Investigation into Police Violence and Obstruction of journalists' Work*, All Media Freedom Alerts, Update 29 February 2016, <http://www.coe.int/en/web/media-freedom/all-alerts>

Council of Europe: Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Armenia, from 5 to 9 October 2014, March 2015, [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2015\)2&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2015)2&direct=true)

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment: Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 10 April 2013, Strasbourg, 27 January 2015, <http://www.cpt.coe.int/documents/arm/2015-08-inf-eng.pdf>

FIDH, Administration of Justice in the Republic of Armenia, 2013, [https://www.fidh.org/IMG/pdf/administration\\_of\\_justice\\_in\\_armenia.pdf](https://www.fidh.org/IMG/pdf/administration_of_justice_in_armenia.pdf)

Freedom House, *Freedom in the World 2015 - Armenia*, 31 March 2015, available at: <https://freedomhouse.org/report/freedom-world/2015/armenia>

Human Rights Defender: *Annual Report on the Activities of the RA Human Rights Defender*, 2013, page 11

Human Rights Watch, *World Report 2016 - Armenia*, January 2016, available at: <https://www.hrw.org/world-report/2016/country-chapters/armenia>

Institute for War and Peace Reporting, *Armenian Courts Accused of Systemic Corruption*, 20 January 2014, CRS Issue 719, available at: <https://iwpr.net/global-voices/armenian-courts-accused-systemic-corruption>

Institute of War and Peace Reporting, *Gay Rights under Attack in Armenia*, 25.05 2012, <https://iwpr.net/global-voices/gay-rights-under-attack-armenia>

Landinfo: Respons: Armenia: Etniske Armenere fra Syria, 30. november 2015, [http://www.landinfo.no/asset/3265/1/3265\\_1.pdf](http://www.landinfo.no/asset/3265/1/3265_1.pdf)

Landinfo: Temanotat Armenia: Statsborgerskab, 5. juni 2012, [http://www.landinfo.no/asset/2085/1/2085\\_1.pdf](http://www.landinfo.no/asset/2085/1/2085_1.pdf)

Lecarte, Jacques: Armenia's political parties and the EU, January 2015, European Parliamentary Research Service, <http://www.europarl.europa.eu/thinktank>, s. 1-2;

Makaryan, Shushanik: Country Report: Armenia, European University Institute. EUDO Citizenship Observatory, Revised and updated March 2013: <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=Armenia.pdf> p.2

Migrationsverket, Lifos. Center för landinformation och landanalys inom migrationsområdet, *Temarapport: Situationen för hbt-personer i Armenien*, 2016-04-07, <http://lifos.migrationsverket.se/dokument?documentAttachmentId=43422>

Radio Free Europe/Radio Liberty, *Anti-Turkish party joins Armenian president Sarkisian's government*, 25 February 2016, <http://www.rferl.org/content/anti-turkish-party-joins-armenian-president-sarkisian-government/27572563.html>

## Armenia: State actors, political situation vulnerable groups and citizenship

---

Radio Free Europe/Radio Liberty, *Armenian opposition party claims more government pressure*, 17 February 2015, available at: <http://www.refworld.org/docid/550940bc15.html>

Transparency International: Overview of corruption and anti-corruption in Armenia, 23 August 2013, <http://transparency.am/storage/overview-of-corruption-in-armenia-en.pdf>

UNHCR & Chamber of Advocates: “HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS – For persons displaced from Syria to Armenia,” Sept. 2014, [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf)

United States Department of State, 2015 Country Reports on Human Rights Practices - Armenia, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252819>

### Websites:

Constitutional Court of Armenia: <http://concourt.am/english/>

National Police of Armenia website: [www.police.am](http://www.police.am)

### Laws:

Law on Citizenship (1995, amended 2007), <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwearm.htm>

Constitution of the Republic of Armenia (with amendments), <http://www.parliament.am/legislation.php?sel=show&ID=1&lang=eng>

Criminal Code of the Republic of Armenia, <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng#11>

Criminal Procedure Code of the Republic of Armenia (adopted 1 September 1998), [http://www.parliament.am/law\\_docs/010998HO248eng.pdf?lang=eng](http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng)

The Law of the Republic of Armenia, On the Human Rights Defender (adopted 21 October 2003), <http://www.parliament.am/legislation.php?sel=show&ID=1457&lang=eng>

The Law of the Republic of Armenia on Police (2001) (adopted 16 April 2001) <http://www.parliament.am/legislation.php?sel=show&ID=1271&lang=eng>

Закон Республики Армении о Специальной Следственной Службе (Republic of Armenia Law on Special Investigation Service), (adopted 28 November 2007), <http://www.parliament.am/legislation.php?sel=show&ID=3124&lang=rus>

### European Court of Human Rights Judgments:

Asatryan v. Armenia, Application No. 24173/06, Judgment of 09/02/2010; <http://hudoc.echr.coe.int/eng?i=001-97155>

Poghosyan v. Armenia, Application No. 44068/07, Judgment of 20/12/2011; <http://hudoc.echr.coe.int/eng?i=001-108235>

Muradkhanyan v. Armenia, Appl. No. 12895/06, Judgment of 05/06/2012, <http://hudoc.echr.coe.int/eng?i=001-111272>

Piruzyan v. Armenia, Application No. 33376/07, Judgment of 26/06/2012, <http://hudoc.echr.coe.int/eng?i=001-111631>

Malkhasyan v. Armenia, Application No. 6729/07, Judgment of 26/06/2012; <http://hudoc.echr.coe.int/eng?i=001-111628>

Sefilyan v. Armenia, Application No. 22491/08, Judgment of 02/10/2012, <http://hudoc.echr.coe.int/eng?i=001-113296>

## Appendix 6: Meeting notes

- **Meeting with the Constitutional Court, Gagik Harutunyan, President of the Constitutional Court – 6 April 2016**

### Background of the Court

The Constitutional Court of Armenia is created as a model of classic European constitutional courts with inspiration from the courts in Germany and Austria.

The Armenian Constitutional Court was established in 1996 and consists of nine judges. The main function of the court is to assess the constitutionality of laws and regulations in the Republic of Armenia.

The court receives applications from;

- The President
- The National Assembly
- The government
- The courts
- The General Attorney
- The Human Rights Defender, and
- Individuals (since 2005)

90 % of all applications filed with the Constitutional Courts are from individuals.

Within the last 8 years, the court has recognised 250 provisions of different laws as non-constitutional, mostly articles in the Criminal Procedure Code and the Civil Procedure Code. The court also has applications regarding articles in the Administrative Procedure Code. Today this constitutes most of the applications.

The court holds a weekly session where applications from the above-mentioned actors are being presented.

### Constitutional reform and new rule of law

The newly passed constitutional reform will fully enter into force in 2018. This will result in an alteration of the current Constitution and the Constitutional Court. The court will be added in mandates and is to hear all cases related to an expanded number of governing bodies. The court can upon application rule on the constitutionality of not only laws, but on all regulations issued by a governing body.

When the reform of the constitution has entered into force, the Constitutional Court will not only rule on the constitutionality of the law or regulation, but also on the interpretation of the law or regulation given by all levels of the common courts, including the Court of Cassation. This is important in ensuring the rule of law.

The constitutional reform is fundamental in character and has been prepared in cooperation with the Council of Europe and the Venice Commission. The current constitution from 1995 and the amendment in 2005 were very focused on the state powers. With the reform focus will shift to the citizen. The responsible

commission has reedited the whole chapter regarding human rights with inspiration from the EU Charter of Fundamental Rights<sup>184</sup>

The reform also increases the role of the Ombudsman and the whole framework regarding the Ombudsman's authority and the ensuring of the impact of the Ombudsman's recommendations not only toward the state, but also towards all entities involved in public authority.

### Access

The individuals (natural persons as well as entities) apply directly to the court with a claim of unconstitutionality of a law. All other remedies have to be exhausted, before the court can assess the claim.

Everyone for whom the law is applicable can file a complaint before the court. This means that also non-citizens in Armenia can apply, as long as the relevant law concerns the person.

The court then assesses whether the argued law is in compliance with the constitution. The Constitutional Court has no power to execute its verdict upon other courts. This means that the courts probably will study the verdict and maybe reopen the case, but often the same verdict as before is rendered.

The new constitution sets the stage for the Constitutional Court to render a verdict regarding other courts' interpretation of the law. The interpretation itself could constitute a violation of the citizen's human rights. If the Constitutional Courts finds the interpretation of the law to constitute a violation, the case has to be reviewed by the courts.

The Constitutional Court typically handles cases regarding the Criminal and Civil Procedure Codes which constitutes more than 50 % of the applications. Since 2006 the court has had 37 claims regarding unconstitutionality of the Criminal Procedure Code. 19 of these claims were found to be unconstitutionally procedures. In the previous months an increase in applications related to the Administrative Procedure Code has been observed.

### Citizenship

The court has never examined cases regarding to the issue of citizenship. The court recognises that there are some problems related to the many Armenian citizens registered with diplomatic missions abroad and their role in national elections. The Constitutional Court has made indirect recommendations regarding the elections for the National Assembly and the President and the electoral laws, but has never had any complaints regarding the law on citizenship.

### The Human Rights Defender

The Ombudsman has access to file a complaint with the court, if the Ombudsman during his investigation finds that there are violations which affects the constitutionality of a law or rule. The Ombudsman's access to file a complaint with the court is, however, limited<sup>185</sup>.

---

<sup>184</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

Two examples are given,

- 1) The Ombudsman represented 3000 citizens in a case regarding issuing of new social security cards. The issue was brought before the court and the court found that the suggested solution from the government was contrary to the constitution and the government had to present a new solution.
- 2) The Ombudsman represented victims of state expropriation of land and filed a complaint with the court. The court found the expropriation violated the constitution and the government had to restore the expropriated land and pay compensation in the amount of three million USD.

### Capacity/resources

The caseload at the Constitutional Court is high compared to the caseload at similar courts in the neighbouring countries. The court makes one to two final rulings a month and one judgment a week.

After the constitution was amended in 2005 the court receives more applications. Around 1600 applications is received a year. Seven to nine percent of the applications are assessed by the court. The average for a Constitutional Court in the EU is 2.3 – 3,0 %.

The timeframe to assess an application before the court is six months, which can be extended by further three months. However regarding electoral issues, the timeframe is one month to 50 days.

Under the Law on the Constitutional Court the Court established two chambers, each with three judges and staff to solve the admissibility of individual applications only. The individual application is submitted to the President of the court who will then distribute the application to one of the two chambers depending on the caseload or if the application regards a topic in which a specific judge in one chamber is specialised. The chamber has 20 days to assess the application. If the application lacks ground and is not within the court's jurisdiction or regards a topic which has already been considered by the court, the application will be rejected. The decision in the chamber has to be unanimous. If the chamber judges disagree, the application will be forwarded to the full court chamber consisting of all nine judges, who will then assess the application.

### Integrity

When asked about safeguards against external pressure on the work of the Constitutional Court the president of the court cannot imagine any pressure being applied on the court. The Venice commission made some statements regarding general political pressure on courts in Armenia, but fortunately did not find any pressure being applied on the Constitutional Court.

The biggest challenge for the Constitutional Court regards the impact of the courts decisions. The court sees two major problems:

- 1) The Court has assessed a number of cases where the Court of Cassation has reviewed the case due to new circumstances. When the case is assessed by the Constitutional Court the court have found, that the assessment made by the Court of Cassation was insufficient.

---

<sup>185</sup> The limitations to file a complaint before the Constitutional Court is set out in article 101 (8) cf. article 100 (1) and Chapter two of the Constitution

As a result the Constitutional Court has recommended that the case is reviewed by the First Instance Court, but after the review the First Instance Court has made exactly the same verdict as before.

- 2) The lower courts do not approach the Constitutional Court to have a provision tested of its constitutionality before applying it on a specific case. All courts in Armenia have the possibility to submit an element of a case before the Constitutional Court while the case is pending both in the pre-trial stage and during the trial itself. The prosecutor could for instance file a case to the Constitutional Court to test the constitutionality of a pre-trial detention.

The Constitutional Court only receives two-three cases a year from other courts. There can be numerous reasons why the courts do not use this opportunity. There is a lack of trust in the system even among judges. Lack of proper education may also be a reason. Finally the system of submitting questions before the court is a new system. The fact that the session at the Constitutional Court is public may also be a factor. Judges may be reluctant to submit a question due to fear of being presented as ignorant.

The Constitutional Court tries to function as a guide for judges. Every January a report is published with the status of the decisions enforced during the year and hopefully this will function as guidelines for the judges in other courts.

- **Meeting with the Court of Cassation (CCOC) – Arman Mkrtumyan, Chairman; Anna Vardapetyan, Deputy Head of Judicial Department, 4 April 2016**

### Structure of the Courts

Currently<sup>186</sup> the following courts function in the Republic of Armenia: first instance courts (Courts of General Jurisdiction and the Administrative Court); appellate courts (Criminal Court of Appeal, Civil Court of Appeal, and Administrative Court of Appeal); and the Cassation Court, which has a Criminal Chamber and a Civil and Administrative Chamber.

**Courts of General Jurisdiction** have first instance jurisdiction over all civil, criminal and other cases that are not reserved to the Administrative Court. The **Administrative Court** has jurisdiction over all cases arising from public legal relations.

Armenia has three courts of appeal, the **Civil Court of Appeal**, the **Criminal Court of Appeal** and the **Administrative Court of Appeal**. The Civil Court of Appeal and the Criminal Court of Appeal review appeals from Courts of General Jurisdiction. The Administrative Court of Appeal reviews appeals from the Administrative Court. Appellate courts review judgments on the merits only within the scope of the grounds and reasoning underlying the appeal.

The **Court of Cassation** is the court of highest instance in Armenia, except for matters of constitutional justice. It is responsible for ensuring the uniform implementation of the law and facilitating the development of the law. The Court of Cassation is divided into two Chambers, the Civil and Administrative Chamber and the Criminal Chamber.

The **Constitutional Court** is responsible for the administration of constitutional justice.

With regard to the jurisdiction between the Court of Cassation and the Constitutional Court, the CCoC stated that the Constitutional Court have a very specific mission as it only considers the constitutionality of a law implemented in Armenia. The Constitutional Court does not consider the legitimacy of a legal act or judgement. It only checks the constitutionality of a law or other legal act applied in a case, not the case itself.

### Access to the Court of Cassation

Grounds for lodging a complaint with the Court of Cassation are:

- a) Ensure uniform application of law,
- b) Inconsistence between the ruling from a lower instance court and the case law of the Court of Cassation,
- c) Judicial error, i.e. such a violation of substantive or procedural law that could influence the outcome of the case,
- d) Newly-emerged and new circumstances.

---

<sup>186</sup> A referendum for approving the Constitutional amendments in Armenia was held on 6 December 2015; the proposed changes were approved by the majority vote and several changes in the judicial system of Armenia were introduced, also related to the appointment and status of judges and chairmen of courts.

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

According to the Chairman of the Court of Cassation, CCoC, all citizens can appeal to the Court of Cassation.

According to CCoC the appeals to the Court of Cassation concern violations at all levels. As an example, a case may start with an application for citizenship, residence permit etc. If denied by a first instance court, the plaintiff appeals the decision to the appeal court. If the appeal court does not rule in favour of the plaintiff, the case may be appealed to the Court of Cassation.

### **Capacity and Resources**

All judges in Armenia are professional and specialised within the legal system.

When asked about the resources at the courts and the timeframe for processing a case, CCoC stated that according to the United Nations Population Division, World Population Prospects report in 2010 the population of Armenia was 3,018,000<sup>187</sup>. As for the number of judges, according to the data provided by the Association of Judges of Armenia, the number of judges in the RA is 234.

The number of judges is low compared to European standards. According to the average EU index the number of judges per 100,000 citizens should be 22.3 judges. In Armenia the number is 6.7 judges per 100,000 citizens. If Armenia should comply with the same index as EU, the country ought to have about 600 judges and not only 234.

The low number of judges has led to a problem with overloading of cases at the courts.

In 2013 the number of civil and administrative cases filed with the courts was approximately 45,000, in 2014 it was approximately 85,000 cases and in 2015 it had reached up to 115,000 cases. The number of criminal cases remained stable. Due to the growing number of cases at the courts, the time to process a case through the system is also increasing. According to CCoC the increase in the caseload leads to violations with regard to the timeframe for processing a case.

If an appeal is filed before the Court of Cassation the hearing will be scheduled 4-5 months later.

### **Fair trial**

When asked how the equality of arms is ensured, CCoC stated, that it is ensured in the code of conduct for judges and that the plaintiff and the defendant of a case have the same access.

According to CCoC the Court of Cassation cannot recognize the point of view that the defence (lawyers) do not have access to either the defendant or the case files in the preliminary stage of an investigation. CCoC would rather say that both the defendant and the files of the case are over-available to the defence. CCoC finds that it is a false presentation of the circumstances of the criminal procedure in Armenia and regrets that this has been presented through the media.

---

<sup>187</sup> United Nations Population Division, World Population Prospects: Key Findings and Advance Tables Demographic Profiles, the 2015 Revision (2015). URL: [http://esa.un.org/unpd/wpp/Publications/Files/Key\\_Findings\\_WPP\\_2015.pdf](http://esa.un.org/unpd/wpp/Publications/Files/Key_Findings_WPP_2015.pdf)

When asked how the justice system guarantees legal aid or secures the access to a defence, CCoC stated that the Chamber of Advocates has a division of defence lawyers that provides legal aid free of charge (free legal aid).

Taking into account the fact, that the defendant is in general vulnerable during the preliminary detention, the case law of the Court of Cassation, as well as the legislation requires guarantees for arrested and detained criminal suspects. An investigative body must either arrest or release an individual within three hours of taking the individual into custody. Within 72 hours the investigative body must release the arrested person or bring charges and obtain a detention warrant from a judge.

The case law of the Court of Cassation requires police to inform detainees of the reasons for their detention or arrest, as well as their right to remain silent and to make a telephone call.

Defendants were entitled to representation by an attorney from the moment of arrest. The law entitles detainees to public defenders if they are indigent.

Bail is a legal option, and an alternative measure for detention.

The case law of the Court of Cassation, as well the legislation requires the investigative body to present a well-reasoned justification either for obtaining a detention warrant, or every two months for extending pre-trial custody. Authorities generally complied with the 12-month limit on total time in pre-trial detention, but once prosecutors forward their cases to court for trial, the law does not provide time limits on further detention but indicates only that a trial must be of “reasonable length.”

Severely overburdened judicial dockets across all court levels also contributed to lengthy trials.

CCoC stated that the overloading of the courts is the biggest challenge. There is no other barrier at the moment that can challenge the judicial system except the overload of cases. Many of the complaints reaching the Court of Cassation have to do with the timeframe to process the case

### **Integrity**

When asked how the Court of Cassation is dealing with corruption, CCoC stated that it is essential to establish precedence in the case law. When rulings are based on case law from the Court of Cassation, the arbitrariness diminishes.

The problem with corruption is not the ruling by the court; the problem is the individuals who may become victims of bribes. It is not possible to cover the whole system. Given the number of judges, it will take time to fill the whole system to avoid gaps where bribes or corruption may become an issue. The challenge is that there are still cases where defence lawyers swindle their clients and ask for certain amount of money alleging that it is a bribe to ensure a certain verdict or ensuring an appeal. Such kind of fraud cases are being disclosed easily.

Starting back in 2005, the Court of Cassation not only became the supreme court of Armenia, but also took on the task to set the case law for the whole judicial system of Armenia.

According to CCoC the Court of Cassation sets the precedence not only for the courts, but the whole justice (legal) system (investigative bodies, prosecutors, lawyers). The Court of Cassation takes case law from the ECtHR into account when making a ruling. The Court of Cassation considers case law from ECtHR in their rulings. According to CCoC, the Court of Cassation makes no rulings without having considered case law from ECtHR.

The Court of Cassation review judgments on the merits only within the scope of the grounds and reasoning underlying the appeal and the documents presented before the court.

When asked how the Court of Cassation makes sure that the interpretation of the law is the same in all court instances, CCoC stated that visibility in rulings is the whole idea of “predictable justice”. The uniform application of the legislation is the main task of the Court of Cassation. It is to make sure that the same crime committed in two different court districts is assessed the same way.

For instance, article 285 in the Criminal code concerns hooliganism. If a court is hearing a case regarding hooliganism, both sides – the defence and the prosecutor – will refer to the case law of the Court of Cassation in the interpretation of the law. If the court deviates from the case law of the Court of Cassation and makes a different ruling, it could be a lower punishment, than stated by the Court of Cassation, the prosecutor will appeal the case and the appeal court will make a ruling in accordance with the guidelines set out by the Court of Cassation. This could be called predictable rulings.

Going back to the question of the legal effect of decisions of the Court of Cassation, CCoC stated, that everyone involved in the civil, administrative or criminal procedure, including defence lawyers, legal representatives, prosecutors, investigators judges, etc., is aware of the case law of the Court of Cassation and the guarantees, that are prescribed in decisions of the Court of Cassation, as well. They cite these decisions in their motions and appeals actively. In every appeal to the Court of Cassation you can find a reference to the case law of the Court of Cassation. The case law of the Court of Cassation is one of the basic instruments for human rights protection in Armenia.

- **Meeting with the Human Rights Defender, Ombudsman, Arman Tatoyan, 11 April 2016**

### **Access**

The Access to the Ombudsman is regulated in the law. Everyone can apply to the Ombudsman with complaints regarding the state and local self-governing bodies and their officials, also non-Armenian citizens.

Citizens can file a complaint to the Ombudsman by e-mail, personal approach or a phone call. There is no fee attached to a complaint.

The Ombudsman's Office has a 24-hour manned hotline, 116. The hotline provides immediate legal advice also during night-time. At daytime legal advisers can assess the complaint. The hotline is only staffed in Yerevan, but the Ombudsman's Office has three regional offices and if necessary the staff serving the hotline will cover the complaints received from the regions.

The character of the complaints at the hotline varies considerably. For instance, a family member to a detained, who does not have access to a lawyer, can approach the office with a complaint on behalf of the detainee. In such cases the staff of the Ombudsman's Rapid Response Department will approach the police station and make a note of the situation. According to the law, the staff have unlimited access to the arrested.

If there are enough grounds for a complaint, a case will be opened. The Ombudsman can also take up issues and open cases on his own initiative.

### **Capacity/resources**

The Ombudsman's Office has 55 employees for the whole country. The main office is located in Yerevan and there are three regional offices with each two employees. The Rapid Response Department and the hotline is manned with five employees. The department is available all day, during night-time, weekends and holidays. The hotline is very popular and frequently used, that is why five employees sometimes are not enough.

According to the Ombudsman, the funds provided by the state are not that sufficient. The system is overburdened. There is a need to strengthen the Ombudsman's Office with further employees both in Yerevan and in the regions. The regional offices ought to have more employees, and the capacity of the Yerevan office should be strengthened with specific knowledge.

The maximum processing time for a case is one month. After one month a decision has to be made on whether a case will be opened, or if the application should be rejected.

In 2015 the ombudsman received more than 5000 cases. The Hotline received 1070 cases.

According to the Ombudsman, the insufficient number of staff does not have an effect on the handling of cases. The office has seen no violations of deadlines, as it is a priority to meet the deadlines.

The Ombudsman's Office conducts private interviews and has not experienced difficulties in accessing the plaintiffs in detention, although there have been incidents regarding mass rallies where the Ombudsman's staff has experienced difficulties in entering the facilities of detention, but such incidents have quickly been solved.

There are strong legislative guarantees to prevent any kind of retaliation towards the Ombudsman's staff or towards the plaintiffs.

Regarding challenges for the Ombudsman's office; the lack of human resources is perhaps the biggest challenge. The capacity with the staff monitoring detention facilities, prisons, psychological hospitals etc. are also challenges. Finally, ensuring the implementation of the recommendations is a challenge according to the Ombudsman, as some state institutions are reluctant to follow the recommendations of the Ombudsman's Office.

### **Effects**

In general there are problems with ill-treatment in police custody, which is observed by the Ombudsman's Office and is reported in the annual reports. The Ombudsman registers the complaint and then transfers the case to the Prosecutor's office with the purpose to initiate legal investigation and criminal responsibility. The Ombudsman can also transfer a case to Special Investigation Service.

When asked about the effect of such actions; the Ombudsman stated that it has an effect given that the authorities know that the Ombudsman is following the case. The Ombudsman has seen cases, where the charges against plaintiffs have been dropped and criminal proceedings have been initiated against police officers.

When asked about statistics regarding cases against police officers, the Ombudsman stated, that in the year of 2015 the Office of the Ombudsman has received 168 complaints against the Police; 23 out of which were against the Traffic Police and 12 against Passport and Visa Department.

Regarding cases of torture no cases have been raised before the courts as there has not been any clear definition in the legislation. The definition of torture was adopted by the National Assembly in 2015, but the implementation of the definition into the Criminal Procedure Code is still pending. The new definition of torture is in line with international standards. During the year of 2015 the Ombudsman Office has handled three cases regarding torture.

The Ombudsman does not conduct investigations in torture cases himself. Instead these types of cases are transferred to the Special Investigation Service (SIS) and the Prosecutor's Office. Only SIS can conduct the investigation. If a trial is commenced during the Ombudsman's assessment of the case or if a trial is already ongoing, the Ombudsman rejects the case.

When the Ombudsman receives a complaint regarding ill-treatment, there are two scenarios;

- 1) The Ombudsman will transfer the case to the Prosecutor's Office, and when the Prosecutor's investigation is completed, the Prosecutor is obliged to notify the Ombudsman of his findings.

- 2) The Ombudsman can write a letter demanding an explanation regarding certain topics related to the complaint.

The effect of the letter or the recommendation is of advisory nature. The Ombudsman can make a follow-up by raising the issue before the competent authorities.

The impact of the recommendations is growing each year. This has to do with the visibility of the office, and the fear of “naming and shaming” in the National Assembly and in the Ombudsman’s annual reports. No one wants to be “shamed” so the state officials and institutions usually cooperate with the Ombudsman’s office.

If the Ombudsman sees a problem within the police or the judiciary, the office can freely criticize this and make recommendations for improvement.

As for the biggest challenges in the police and law enforcement agencies, the Ombudsman highlighted the need for providing minimum rights set out by the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT)<sup>188</sup>. These rights should not only be enjoyed by suspects, but by all who is apprehended by the police.

Overall, 24 applications were admitted before the Constitutional Court in 2015 and the number is growing each year. When it comes to issues related to human rights and the constitutionality of different provisions, the Ombudsman is one of the most active in bringing such cases to the court.

In 2015 the Constitutional Court has examined five applications brought before it by the Human Rights Defender. Two out of those applications were submitted in the year of 2014.

Since changes were made to the mandate of the Constitutional Court, the Ombudsman has started to bring the topic of the effect of a law or provision before the court.

### **Integrity**

With reference to the resignation of the three former Ombudsmen, the Ombudsman was asked about the independence of the Ombudsman institution. The Ombudsman replied that the 2013 special report was a critical report, and that there had also been some criticism raised against his immediate predecessor, but according to him there are basically no limitations in the work of the institution.

The Ombudsman’s office is working for the benefit of the citizens and the society, not in accordance with the mood of the Government. If the latter was the case, the institution would be useless.

### **Vulnerable groups**

Women are seen as a vulnerable group and preventing domestic violence against women is needed. Also children and refugees are considered vulnerable groups.

Sexual minorities are vulnerable groups. The Ombudsman has had very few cases relating to a sexual minority, but usually these minorities live hidden in communities and without disclosing their sexual

---

<sup>188</sup> The rights have been set out in the following <http://www.cpt.coe.int/en/documents/eng-standards.pdf>

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

identity. The complaints from these groups are most often presented through NGOs and concern discrimination in the educational sector, at workplaces and ill-treatment from healthcare personnel and in law enforcement bodies.

- **Meeting with Ministry of Diaspora, Dr. Hranush Hakobian, Minister of Diaspora, 14 April 2016**

Initially, the Minister explained the history of the Ministry of Diaspora. The Ministry of Diaspora was established in 2008. The main reason was that a large number of Armenians resided outside the territory of Armenia at the time of the independence. The Minister mentioned the conflict with Azerbaijan in Nagorno-Karabakh and the genocide against Armenians in the Ottoman Empire in 1915 as the reason.

### **Citizenship**

#### *Dual Citizenship*

As for dual citizenship, the National Assembly of Armenia introduced an article on Dual Citizenship in the Law on Citizenship in 2007. The main argument was that Armenians living outside Armenia should have easier access to Armenia.

For this reason the RA National Assembly adopted a simplified procedure for ethnic Armenians to obtain Armenian citizenship.

Today about 100.000 Armenians enjoy dual citizenship.

#### *Application for citizenship*

The procedure for ethnic Armenians when applying for an Armenian citizenship is that the applicant must prove that he/she is Armenian of origin. The application has to be submitted to either the Passport and Visa Registration Department at the RA Police or at an Armenian representation abroad. The authorities, including the Armenian National Security Service and the Passport and Visa Department of the Armenian Police, will assess the applications. If the application process goes well, the processing time is up to six months. After approval the RA President will sign a decree awarding the person with Armenian citizenship. After this process the applicant will have to travel to Armenia to pick up the Armenian passport. However, exceptions are made for ethnic Armenians from Lebanon, Syria and Iraq, who can pick up their passports at Armenian embassies or consular services in these three countries.

### **Applications from Syrian Armenians**

After the outbreak of the civil war in Syria, exceptions have been made and a simplified procedure introduced for Syrian Armenians. The Minister explained that many of the Syrian Armenians fled Syria through Turkey. According to the Minister more than 100 Syrian Armenians were killed in Syria and more than 350 injured. The Syrian Armenians received papers, through the Armenian representations in Syria, allowing them to entry Armenia. Armenian passports were also sent to Syria.

Around 22.000 Syrian Armenians arrived to Armenia since the outbreak of the war in Syria, where they got refugee status and received Armenian citizenship. 2.000 Syrian Armenians left Armenia again, probably leaving for Canada or Western Europe. Further 2.000 Syrian Armenians have obtained refugee status and Armenian documents but have not obtained citizenship.

### **Citizens from Nagorno-Karabakh**

After briefing on the history of the situation in Nagorno-Karabakh, the Minister of Diaspora explained that citizens in Nagorno-Karabakh have Armenian citizenship. The origin of Nagorno-Karabakh is visible in the Armenian passport as the place of birth appears in passports of natives of Nagorno-Karabakh.

**Citizenship for couples in mixed marriage**

Replying to a question on the situation for mixed marriage between an Armenian and an Azerbaijani citizen, the Minister of Diaspora explained that 25 years ago such kind of marriages would not be rare cases. However, after 1992 a mixed marriage would not be a possibility due to the political climate in both countries because of the armed conflict in Nagorno-Karabakh and along some places of the Armenian-Azerbaijani border. It is the society, not the legislation that makes it impossible.

**Citizenship for children of mixed marriages**

The legislation is clear on the fact that children of a mixed marriage, when one of the parents is Armenian, can obtain Armenian citizenship if both parents agree. According to the minister, this happens often in Armenia, if for instance the father is French and the mother is Armenian and they live in Armenia. However, if the father is Azerbaijani (and is alive) the father needs to agree on Armenian citizenship. For social and cultural reasons, this would not be possible according to the Minister. After the independence in 1991, many divorced Armenian mothers returned to Armenia with their children who got Armenian citizenship. However, it would probably raise suspicion, if someone returned to Armenia now after more than 20 years outside of Armenia, for instance from Russia, and that person had not obtained citizenship abroad – either Armenian or other.

Baptism is always a condition for ethnic Armenians to obtain Armenian citizenship if they are born outside Armenia. According to the Minister, the law states that if you apply for Armenian citizenship from abroad, you need to be baptised in the Armenian Apostolic Church.

**Proof of Armenian citizenship**

Armenian passports are proof of Armenian citizenship. According to the minister these cannot be falsified.

- **Meeting with the Passport and Visa Department of the RA Police, Mr. Mnatsakan Bizhakhchyan, Head of Department, 14 April 2016**

According to the RA Law on Citizenship there are certain requirements that have to be fulfilled before obtaining Armenian citizenship. Armenia has amended the RA Law on Citizenship in order to reduce statelessness. Persons without citizenship are not required to live for three years in Armenia in order to apply for a citizenship in case he/she has obtained the status of statelessness from RA. Not only the law but also the present history of the person and the citizenship of his/her parents will decide if the person is eligible for an 'automatic' Armenian citizenship.

The law does not discriminate applicants against their former citizenship or country of origin, not even if the application is a former citizen of Azerbaijan.

### **Dual citizenship**

As regards citizenship, Armenia is a unique country compared to its neighbouring countries according to the Head of the Passport and Visa Department. It does not require renunciation of a former citizenship in order to apply for and obtain an Armenian citizenship, as Armenia recognises dual citizenship.

### **Test of Language and Constitutional Skills**

A person who is married to an Armenian citizen or has a child who holds Armenian citizenship, is not obliged to take an Armenian language test, but they have to take the Constitution test.

A person, who is not ethnic Armenian, not married to an ethnic Armenian nor has a child of Armenian origin and who has resided in Armenia for three years can apply for citizenship. In order to obtain the citizenship they have to prove that they have lived legally in Armenia for three years and that they know the Armenian language and have knowledge on the Armenian Constitution. Language and knowledge of the Constitution will be tested through a government approved test. The test was decided by the government in 2007. It is an online test based on a questionnaire in Armenian. If the applicant can reply to 50% of the questions in the test, it is considered that he/she has sufficient knowledge of the Constitution and is able to understand and express him-/herself sufficiently in Armenian language. If the test is not passed the first time, the applicant can re-apply to take the test for an unlimited period, until he/she will pass the test. If the application has already been circulated to the President's office and the application has been rejected, the applicant can re-apply after one year. Very few cases are rejected.

### **Ethnic Armenians' opportunities to obtain citizenship**

According to a government decision, there is a simplified procedure for ethnic Armenians to apply for citizenship. Proof of Armenian citizenship could be a birth certificate bearing a note about being of Armenian origin, a document of baptism from the Armenian Apostolic Church, or the birth certificate of a parent or grandparent, sister or brother. Any other identification document by which it is possible to establish Armenian ethnicity may be used. If the applicant is an ethnic Armenian from Syria, he/she will have a family book including information regarding his/hers parents. Asked if an ethnic Armenian who is not a Christian could apply, the source replied that Armenian ethnicity and the Armenian Church are interlinked. If the applicant does not have certificates from the church, his/her parents or grandparents will have certificates. So far the authorities have not come across ethnic Armenians applying for citizenship who have not had any evidence of being Armenian.

### Processing of an application

The total processing time for an application for a citizenship used to be one year, but at present the maximum processing time is six months which includes processing of the application in the Passport and Visa Department and the approval by the RA President. The applications will also be sent to the National Security Service. There is no appeal if an application has been rejected, and no reason will be given as it is an exclusive power for the RA President to grant citizenship. Possible reasons for rejections could either be related to national security or to crimes committed in other countries.

### Proof of citizenship

An Armenian passport is proof of Armenian citizenship. There is a provision in the law to state that a passport is the only document to prove citizenship. Asked if a holder of an Armenian passport always may be considered an Armenian citizen, the source confirmed and said that the only exception would be if an Armenian citizen has filed an application for renunciation of his citizenship and is still retaining his passport.

### Loss of citizenship

According to Armenian law, it is not allowed to deprive someone of a citizenship even if the person is a terrorist or has committed a crime. According to the *1961 Convention on the Reduction of Statelessness* which Armenia has signed and ratified, a person must not be left stateless. However, if a person applies for citizenship in a foreign country which does not allow dual citizenship, the person will have to renounce their Armenian citizenship. The authorities will then ensure that the person is in the process of applying for another citizenship.

### Application in/outside Armenia

It is possible to apply for Armenian citizenship outside Armenia at an Armenian diplomatic mission or an Armenian consulate. In Armenia, the application must be submitted to the Passport and Visas Department of the RA Police.

When applying for a citizenship either in Armenia or outside Armenia the applicant has to be physically present to submit his/her application and to answer possible questions.

When applying for citizenship a fee of 1.000 AMD (approx. 2 USD) has to be paid. The fee is for everyone.

### Passport

If you apply for Armenian citizenship from abroad for the first time, you have to collect your passport from Passport and Visas Department of Police. Exceptions are ethnic Armenians from Lebanon, Syria and Iraq, who can collect their passports from an Armenian diplomatic mission or an Armenian consulate in their countries by the RA Government decision.

If you have lost your Armenian passport or want to change it, you can also collect it from an Armenian diplomatic mission or an Armenian consulate in your country of residence.

### Children of mixed marriages

Children whose parents both are Armenian citizen will acquire Armenian citizenship by birth regardless of his/her place of birth. If only one of the parents is an Armenian citizen at the time of the child's birth, and the other parent is a foreign citizen, the child's citizenship shall be determined by mutual written consent

of both parents. There is no special format for the consent. The consent needs to be signed by both parents. In case one of the parents is absent from Armenia, his/her signature needs to be verified by a notary.

If the child is above 18 years old, and holds another citizenship, the child will have to apply for Armenian citizenship like all other foreign citizens. This application will be processed all the way through to a presidential approval.

For further regarding the procedure for acquisition of RA Citizenship, the Passport and Visa Department of the RA Police was presented with the content of the *UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*, to which they agreed.<sup>189</sup>

### **Renunciation of citizenship**

If a male person is 18 years old or older and has not served his military service, he cannot renounce his Armenian citizenship until he has completed his obligations. Other reasons for not being able to renounce the citizenship could be tax evasions towards the Armenian state, or a criminal/civil case or verdict which is not fully vindicated. If a person applies to renounce his/her citizenship, a fee of 25.000 AMD (approx. 50 USD) has to be paid.

---

<sup>189</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf)

- **Meeting with the Prosecutor General's Office, Mr. Emil Babayan, Deputy Prosecutor General, 13 April 2016**

### **Access**

According to the Deputy Prosecutor General the judicial system is in a unique situation. Currently the Prosecutor General's Office is not only the highest prosecuting authority in Armenia, but also the Prosecutor General is the representative of the Armenian Government before the European Court of Human Rights, ECtHR.

This means that if a complaint is not dealt with properly within the national judicial system, the Prosecutor General will have to answer for the actions before ECtHR. This serves as a guarantee for ensuring that the rights according the European Convention on Human Rights, ECHR, is implemented in the Armenian judicial system, according to the Deputy Prosecutor General.

The prosecutor is obliged to take action in three scenarios; a complaint is received from the citizen or the police, the prosecutor discovers a criminal offense during the assessment of a current case, or if there has been media coverage of a crime, which has not been dealt with in a proper manner by the police.

If there have been media coverage of a crime and the crime has not yet been investigated by the police, the prosecutor is obligated to initiate a proper investigation by the police.

A citizen can also approach the Prosecutor General's Office directly.

### **Capacity/resources**

The prosecutorial system is a strict hierarchy. The Prosecutor General is nominated by the president and elected by the National Assembly. The Prosecutor General is elected for a six year term and can be re-elected one time.

There are four deputy prosecutors, also appointed by the president. They each supervise different departments within the prosecutorial system.

There are 337 prosecutors in Armenia, all appointed by the Prosecutor General. They are divided into 10 prosecutor districts throughout the regions of Armenia, seven districts throughout Yerevan and one superior district in Yerevan that supervise the seven.

In addition to this there is a military prosecutor's office and offices for the garrison prosecutor.

The 337 prosecutors assess 19141 cases a year and supervise the investigation of these cases. Not all of these cases go to court.

Despite a huge case load, there have been no complaints regarding the length of the processing, according to the Deputy Prosecutor General.

### **Integrity**

The prosecutor is an independent body in the judiciary system, and is also independent from the police. The police are the executing body.

## Armenia: State actors, political situation vulnerable groups and citizenship

---

Regarding conflicts with powerful or affiliated persons; such a person has no influence in the court room. If he or she did, the case would immediately go before the ECtHR. In 2016 it is expected that many cases will be communicated from ECtHR to the Armenian Government. People can no longer hide a problem or pay to make a case disappear, according to the Deputy Prosecutor General.

The judicial system in Armenia applies all the same standards as the European countries as for instance public court hearings and publicised judgements. Furthermore, the Deputy Prosecutor General found that there is a very active civil society in Armenia, mainly the NGOs and the media also cover court hearings.

During the Constitutional Referendum in December 2015, the Prosecutor General's Office created a website listing all the complaints and the reactions to these complaints regarding the Referendum.

The Deputy Prosecutor General stated that he would not deny that there are problems regarding corruption and insufficient training of the police in Armenia. However, the level of corruption within the police is not different from other former Soviet countries and East European countries.

The police have focus on training which is done in cooperation with the Council of Europe, but the problem is not solved overnight. It is a valid point of view to claim that the police have inherited corruption from the former Soviet Union. There are still police officers within the force, who have been trained by the former Soviet Union. The problem of corruption is not a special problem for Armenia.

Reports of corruption are investigated. The Special Investigation Service investigates allegation of corruption related to police officers, and the prosecutor will decide whether there is ground for raising a case at court or not.

When asked how many corruption cases were raised by the Prosecutor General's Office in 2013-2015 the Prosecutor General's Office gave the following statistics:

| Year | Sent to court  |         | Convicted      |         |
|------|----------------|---------|----------------|---------|
|      | Criminal cases | Persons | Criminal cases | Persons |
| 2013 | 128            | 206     | 109            | 176     |
| 2014 | 89             | 120     | 73             | 96      |
| 2015 | 86             | 152     | 77             | 140     |

*Source: Prosecutor General's Office of the Republic of Armenia*

The majority of cases brought to court are based on criminal charges. Other disciplinary violations are dealt with within the disciplinary body of the police itself.

All police phone calls are recorded so it is not possible for the police to "cover up" and not investigate allegations of a criminal offence. The prosecutor is responsible for the legality of the cases, and therefore he reviews the phone recordings.

### Freedom of assembly

When asked about the use of article 316 in the Penal Code, the Deputy Prosecutor stated that in general people would claim that they have been imprisoned or investigated because of their participation in a

demonstration. The reality though is that this is not the case. It is not possible to prosecute a person for being in a demonstration according to the law.

In relation to the case of Gevorg Safaryan, an activist from the party New Armenia, the deputy prosecutor said that Safaryan had hit a police officer and was therefore charged with having committed a crime. During the investigation, video coverage of the incident had become available. Meanwhile Safaryan claimed that the police used excessive force against him. This claim is now under investigation.

The deputy prosecutor argued that everyone who is suspected of committing a crime within the vicinity of a political gathering or demonstration will claim that they are exposed to political persecution and therefore are political prisoners.

When asked about the police's conduct during the electricity demonstration in the summer 2015, the Deputy Prosecutor stated that for 10 days demonstrators blocked central Yerevan, blocked the street housing the President's office, the Constitutional Court, the Parliament – all the important governmental institutions. For that reason the police was compelled to use force – water cannons etc. – to disperse the demonstration and reopen the street. In that context a lot of people were arrested, but no one was charged. The people returned to the street and the police then decided to let them continue with the demonstration.

Regarding the police conduct towards journalists during the demonstration, including confiscating equipment, deleting memory cards etc. the Deputy Prosecutor stated that this happened only during the first day. There were 20 registered journalists claiming their work had been hindered by the police. All the equipment has been compensated and the responsible police officers have either been brought on disciplinary sanctions or are undergoing criminal investigation.

### **Cases involving pre-trial detention**

According to the law, a case may be in the pre-trial investigation phase for maximum one year. The average case is in the pre-trial investigation phase for four to six months. A backlog of cases has not been an issue in Armenia.

A detainee may maximum be in pre-trial detention for a year. Only when someone is formally a suspect of a crime with a penalty for more than a year's imprisonment, the person can be detained in pre-trial detention. During the pre-trial detention period, the detainee has to be presented before a judge every second month. Prolongation of the detention period happens upon assessment of the concrete investigative measures claimed to be necessary.

The length of the pre-trial detention is deducted in the final sentence, although if acquitted the person will not automatically be compensated for the detention period.

- **Meeting with Special Investigation Service, Lieutenant General Vahram Shahinyan, Head, 4 April 2016**

As introductory remarks the Head of Special Investigation Service stated, that the Special Investigation Service of the Republic of Armenia (SIS) was established in 2007. SIS is an independent state body and exercises its powers independently. The head of SIS is appointed by the RA President, and the staff is appointed by the head of SIS.

The Special Investigation Service (SIS) acts within the frameworks of the functions stated in the Law on Special Investigation Service of the Republic of Armenia.

According to the RA Law on Special Investigation Service, article 2; the Special Investigation Service conducts preliminary investigations of criminal cases against officials of legislative, executive and judicial bodies, against persons carrying out state special service, connected with their official positions or with crimes committed by them, as well as electoral processes envisaged by the Criminal Procedure Code of the Republic of Armenia.

#### **Access**

SIS explained the procedure for initiating a preliminary investigation either by the request of the Prosecutor General's Office or by the approach of a citizen. The citizen can approach the SIS in several ways –either by email, regular mail to a post-box or by appearing at the SIS office in person.

The Special Investigation Service has three investigation departments: 1) Investigation Department for Corruption, Organised and Official Crimes; 2) Investigation Department for Torture and Crimes against Persons and 3) Investigation Department for General Crimes. A case can be initiated at the Investigation Department for Corruption, Organised and Officials Crime by an appeal or a plea from a citizen. In fact many cases are initiated by SIS-investigators themselves on basis of an appeal from citizens.

When asked, SIS confirmed that a citizen, who has been a victim of ill-treatment etc., can file a case at the Special Investigation Service even though the person has an ongoing criminal case in the court system. There is an exception when a judge is involved. According to the judiciary system of Armenia, acting judges have absolute immunity. The status of immunity for judges is decided by the Armenia's Council of Justice. Only if a judge is caught red-handed in relation to corruption a case could open against that judge.

SIS replied that there were not many cases against judges in general.

The Special Investigation Service had one case in 2015 against a judge from the Lower Court who accepted bribe. The result of this case was that the SIS conducted a preliminary investigation, forwarded the case to the court system, and the judge is now awaiting trial.

SIS replied to the question of investigations of torture cases in police detention that there are numerous cases of torture being investigated. In 2013 only 18 preliminary investigations in torture cases were opened. In 2014 the numbers of cases directed to the SIS were 846 and 1.746 in 2015. According to the head of SIS the investigation of cases concerning torture is based on trust, so in his opinion when more victims approach the SIS with appeals to open preliminary investigations on torture this is a sign of higher public trust to the office of the Special Investigation Service.

In general the cases are derived from different administrative structures of the Police of Armenia. The main cases of torture or forced conducts happen in pre-trial detention facilities. There are fewer cases in the proceedings that are after pre-trial detention.

When asked about the process of the cases that were opened after police violently dispersed demonstrations against hikes in electricity prices on 23 July 2015 SIS replied that such cases presently are being investigated by SIS. It is important for SIS to conduct a thorough investigation and since the material consists of numerous numbers of video recordings, pictures and witness statements, at the present time there are no conclusions to these investigations, thus they are still ongoing.

### **Capacity/resources**

The Special Investigation Service consists of 25 investigators that are all highly specialised in the sphere of criminal investigations. According to the head of SIS, their investigators are among the best investigators in Armenia.

As an answer to the question of how many cases the SIS had last year, the head of SIS stated that in 2015 SIS had terminated 740 preliminary investigations. This number was around three times bigger compared with other years. Until May 2016 SIS had only conducted 18 preliminary investigations.

This year SIS had terminated more than 100 preliminary investigations in the first three month of 2016. 217 cases are still ongoing preliminary investigations.

SIS had no information available on the result (conclusion) of the more than 700 cases from 2015.

To the question on how 25 investigators can handle such an amount of cases the head of SIS replied that other bodies sometimes provide aid to SIS investigations, but that it is only SIS who is conducting the preliminary investigations. Out of the 217 ongoing preliminary investigations SIS had help in four cases from the independent body Special Investigation Committee. The rest are investigated by SIS.

When replying to the question on how long time it takes SIS to process a case, the head of the SIS answered that SIS has an official timeframe of two months if a suspect is identified and in detention. The law gives SIS the right to prolong this timeframe if it is necessary for the investigation. There are no superior time frames for investigations without a suspect.

When asked about recruitment to the Special Investigation Service the head of SIS replied that applicants can send an application, if they would like to work for SIS. The primary qualification for working with SIS is a minimum of three years of comprehensive investigation experience. The final selection of candidates is decided in a special council within the Armenia's Council of Justice.

### **Integrity**

When asked about the progress of the Special Investigation Service since 2013, when the former head of SIS was dismissed after criticism of the President of Armenia, the current head of SIS replied that in his opinion the organisation has gained a lot of progress since 2013. The Special Investigation Service is acting in a different framework. According to the head of SIS preliminary investigations are initiated on a legal basis only. The wages of the office's investigators are twice as high now as it was compared to previous

years. The investigators are being qualified with specialized competencies in their specific work areas – corruption, torture etc.

On the question on whether the Special Investigation Service faces any repercussions when conducting preliminary investigations against state officials such as politicians and the National Police of Armenia the head of SIS answered that it is a difficult task to investigate policemen, but it is the cornerstone of the work of the Special Investigation Service. For SIS it is the nature of the crime that is important not the subject, why it does not play a role who is being investigated.

The head of the Special Investigation Service underlined that the office's general approach is, that every complaint from a victim is considered to be enough ground for a preliminary investigation in itself. There were only 18 cases in 2015, and 15 in the first three month of 2016 of false statements, that is when the appeal of the citizen is not true.

During the investigations the investigators will take all kind of evidence into the process. The SIS will look into background information on the victim and on the policemen and will take forensic evidence, i.e. bruises on the victims, into account. SIS tries to look holistically at the whole process and tries to avoid looking one-sided at the investigation.

The primary challenge of the Special Investigation Service is the caseloads. According to the head of the SIS the investigators are currently overloaded with work tasks, and there is a discussion in the management on the need to appoint more investigators.

In the current regime of overloaded investigators the head of the Special Investigation Service acknowledges the need to prioritise the investigations conducted. However he underlined that all cases are still being thoroughly, comprehensively and objectively investigated.

The Investigation Department for Corruption, Organised and Official Crimes has most of the cases and is therefore being prioritised. According to the head of SIS 70-80 % of the cases in SIS are in this investigation department. These cases are mostly against policemen and other state officials. There are currently no cases against judges pending with SIS.

- Meeting with an anonymous source, located in Armenia, 7 April 2016

### National Police

In recent years there have been visible positive developments in police activities, but there is still a need for further improvement. Most complaints from civil society and mass media in 2015 were directed at individual police officers' conduct, especially during public events while arresting protesters.

The source referred to the most recent detailed reporting by an international oversight actor on the conduct of police, state security and military – it is important to distinguish among those bodies – dates from the October 2014 visit of the Human Rights Commissioner of the Council of Europe.<sup>190</sup> In advance of the second cycle of the Universal Periodic Review (UPR), the United Nations in November 2014 compiled the information contained in reports of the treaty bodies and special procedures, including observations and comments by the Armenian authorities, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents.<sup>191</sup> The UPR process in early 2015 also included reports by state authorities, as well as submissions from local and international civil society organizations. According to the source, taken together, these form the most current record describing the actions of police and state security. In other words, the most current detailed reporting from official oversight bodies dates back to 2014.

In addition to the international reporting, the European Court of Human Rights (ECHR) has heard several cases dealing with torture in police custody such as *Virabyan v. Armenia*<sup>192</sup>, in which the ECHR concluded that Virabyan had been subjected to ill-treatment that could be characterised as torture and that the authorities' investigation had been ineffective, inadequate and fundamentally flawed. Also the case *Saghatelian v. Armenia*,<sup>193</sup> which is still pending at the European Court of Human Rights, and which regarded allegations of ill-treatment and humiliations during apprehension and detention and that this was politically motivated.

In general allegations against police officers, where the allegations do not involve elements that fall under criminal law, are investigated by the internal security department of the police. High profile cases can be examined also by the Disciplinary Commission. There have been some recent improvements in the human resource management of the police, and recruitment to some positions is now made through public announcements and open competitions.

The source referred to the US Department of State's Annual Human Rights Report for 2015, in which official sources are cited in reporting deaths in custody:

*"According to official data, 24 prisoners died during the first 10 months of the year, 23 from natural causes and one from accidental electrocution. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing*

---

<sup>190</sup> [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2015\)2&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2015)2&direct=true)

<sup>191</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/211/15/PDF/G1421115.pdf?OpenElement>

<sup>192</sup> [http://hudoc.echr.coe.int/eng#{\"itemid\":\[\"001-113302\"\]}](http://hudoc.echr.coe.int/eng#{\)

<sup>193</sup> [http://hudoc.echr.coe.int/eng?i=001-124162#{\"itemid\":\[\"001-124162\"\]}](http://hudoc.echr.coe.int/eng?i=001-124162#{\)

*health care to inmates contributed to the death rate. Human rights observers also noted there was no proper investigation of these deaths.”<sup>194</sup>*

The source also referred to media reports on several deaths in custody in December 2015 and January 2016.<sup>195</sup>

### Private conflict – police

If a private person has a conflict with another person, the police will normally deal with it. However, citizens are less willing to involve police or other authorities in conflicts or disputes involving a person who is “well-connected”. This past winter, media reported on a traffic incident involving a Jeep driven by the relative of an influential person. The Jeep crashed into a police vehicle, smashing other cars, too. The police officer ended up being charged with responsibility. Corruption is so widespread in the public and private sectors that the Prime Minister, who chairs the Anti-Corruption Council, frequently issues statements on the matter.

### The Legal System

The source referred to reports from the Council of Europe and United Nations as cited above, that provide expert overviews of Armenian legal system.<sup>196</sup>

The source also highlighted the Republic of Armenia Ombudsman’s special report on corruption in judiciary system in 2013.<sup>197</sup>

### Independent Complaint/Appeal Bodies

#### Ombudsman

The institution of the Ombudsman, the Armenian Human Rights Defender, depends institutionally and by law on the person who serves in that post. This was especially shown when there was no ombudsman appointed in the period of December 2015 – March 2016, and much of the work of the institution could not proceed.

#### Constitutional Court

Citizens have access to complain to the Constitutional Court, but only with regards to the constitutionality of a legal act that is applied in a specific case and that is seen as violating a person’s fundamental rights and freedoms.

#### Citizenship

##### Citizenship for spouses in a mixed marriage

According to the law it is possible for spouses of any nationality married to Armenian citizens to obtain Armenian citizenship. Children of a “mixed” marriage have the right to obtain Armenian citizenship. However, it can also be complicated, not according to the law, but socially.

---

<sup>194</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>195</sup> <http://www.armenialiberty.org/content/article/27488349.html>

<sup>196</sup> See also the European Commission for the Efficiency of Justice (Council of Europe) report, *European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice*, [http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport\\_2014\\_en.pdf](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf)

<sup>197</sup> [https://www.armenianow.com/society/human\\_rights/50722/armenia\\_ombudsman\\_report\\_human\\_rights](https://www.armenianow.com/society/human_rights/50722/armenia_ombudsman_report_human_rights)

### Political Situation

#### Opposition

There have been problematic cases in which activists are held in pre-trial detention for too long on grounds that especially in high-profile, politicized cases are not always well-founded. Activists may also face pressure from other inmates, such as those accused of common crimes, while in pre-trial detention.

The source referred to three recent cases often mentioned in the media: Gevorg Safaryan, who was arrested on 31 December 2015 and is considered a political prisoner by among others the Armenian NGO Helsinki Citizens' Assembly Vanadzor Office<sup>198</sup>; Vardges Gaspari who, according to human rights activists, has been subject to torture and ill-treatment in detention<sup>199</sup> and a group of women who were subjected to police violence and detained when they demonstrated for the release of fellow party member Gevorg Safaryan.<sup>200</sup>

For a more general background the source referred to the Human Rights Watch Report from 2015, covering 2014.<sup>201</sup>

#### NGOs

The general conditions for NGOs and their members in Armenia are satisfactory. A new law on NGOs is being discussed in the civil society. Based on experience in other countries, there is some general concern regarding whether a "foreign agents" model might begin to be applied in Armenia.

At the same time, there is a general increase in civil activism in Armenia. The demonstrations in the summer of 2015 against hikes in electricity prices – also called "Electric Yerevan" – are an example of such activism. There are people who want improvements in the social conditions and believe that through activism such improvements can be achieved. An example of this was the Mashtots Park Movement in 2012 which protested, successfully, against a governmental decision of building shops in a park in central Yerevan.

#### Freedom of Assembly

There are no major obstacles for people to demonstrate in Armenia. People are generally allowed to demonstrate whatever the topic is. With the growing civil society movement, there are more demonstrations, including demonstrations that spontaneously change their route or announced location, and more cases of intimidation and mismanagement are being reported in media.

#### Situation for journalists

In some situations journalists could be targeted, as on 23 June 2015 when police dispersed the "Electric Yerevan" demonstrations. But in the rest of the demonstrations and in other demonstrations journalists have been able to do their work without being hampered or otherwise targeted. During the Referendum

---

<sup>198</sup> <http://hcav.am/en/events/20-01-2016-01-en/>

<sup>199</sup> [https://www.armenianow.com/society/human\\_rights/70168/armenia\\_activist\\_human\\_rights\\_vardges\\_gaspari\\_jailed](https://www.armenianow.com/society/human_rights/70168/armenia_activist_human_rights_vardges_gaspari_jailed)

<sup>200</sup> <http://www.epress.am/en/2016/03/24/demonstrator-injured-as-armenian-police-clash-with-supporters-of-jailed-oppositionist.html>

<sup>201</sup> <https://www.hrw.org/world-report/2015/country-chapters/armenia>

for the Constitutional reform in December 2015, some journalists with access to polling stations had their equipment destroyed.

The most sensitive topic for journalists to cover is revealing compromising information about the highest levels of power but journalists nevertheless write about these topics extensively.

The Mass Media Law provides good protection of confidential sources of information. Several print newspapers have reported they received court orders demanding disclosure of confidential journalistic sources as these newspapers wrote on a high profile criminal case involving a local police chief. These demands, as well as the subsequent criminal case filed against an editor for non-implementation of the court decision however were stopped following international and local media organization interventions.

### **Vulnerable Groups**

There have been cases in which teachers belonging to other religious groups who did not want to teach the history of the Armenian Apostolic Church lost their jobs. Some of the teachers brought the cases to the courts, but these were not successful.

The LGBT community is especially vulnerable to hate speech in media. There are NGOs and activists that try to follow up with these cases in the court system, but hate speech is not in the criminal code. Some of these cases have been forwarded to the ECHR.

### **Domestic violence**

Domestic violence has been a problem in Armenia for many years, but the situation is slightly improving. There is still a legislative gap, as there is no law criminalising domestic violence and there is so far no consensus on what domestic violence is.

If a woman files a complaint the primary approach from the police is often to advise the woman to seek the problem solved within the family. The situation is improving and serious cases will be investigated, but although the police deal with the case, the case itself is not always categorized as domestic violence. And without a criminal code definition, its categorization will be inconsistent.

There are no public shelters for victims of domestic violence. In all Armenia there exist only two shelters for female victims of domestic violence. Both are run by NGOs and are located in Yerevan. In provinces there are a number of NGOs providing support for victims of domestic violence; however, the majority of victims still seek protection and temporary space with friends or relatives.

### **Victims of trafficking**

Minors are a vulnerable group for possible sexual and forced labour trafficking in Armenia. The names or other information on underage presumed and actual victims of sexual trafficking appear sometimes in the media. The consequence is that the victim can be identified and will be subject to stigmatization and social exclusion. Minors in child care institutions are one of the risk groups of the society exposed to forced labour or exploitation.

- **Meeting with International Organisation for Migration (IOM), Ilona Ter-Minasyan, Head of Office, 5 April 2016**

## **Citizenship**

### **Ethnic Armenians' opportunities to obtain citizenship without having lived in Armenia or having lived outside Armenia for a longer period of time**

Armenians arriving from Syria have access to a facilitated procedure to obtain citizenship and can apply to the Passport and Visa Department of the RA Police. It takes some months to process a case.

Regarding the requirements for proof of Armenian descent, IOM informed that it is complicated, but the Armenian Church (which was very well established in Syria) has provided a lot of paperwork including registration of baptism and marriage performed by the church. In addition, if persons carry Armenian-sounding names and has knowledge of the Armenian language it may also be considered as a proof of descent.

According to Ministry of Diaspora of the RA about 20,000 Syrian Armenians have arrived to Armenia since the crisis in Syria, out of which 17,000 have remained in Armenia. Among the remaining group approximately 15,000 have obtained Armenian citizenship. Some of them already had Armenian citizenship before they arrived.

IOM explained that as a rule Armenian Syrians are welcomed by the state in Armenia, but they face socio-economic problems, as it is difficult for them to find a job in Armenia, and it becomes extremely problematic for them to cover their daily costs as they also have to rent a shelter. Many of them leave their families in Armenia and go back to Syria for work, or they find jobs in the Gulf countries, as they are Arabic speaking. Some migrate to Russia for work, most often together with a local group of Armenians. Finally others also migrate to Europe.

It is the policy of the Armenian state to attract Armenians abroad to return.

There is a huge Armenian Diaspora in Russia – approximately three million. They may hold both Russian and Armenian citizenship. As of the beginning of 2015, the Russian Federation amended the Law on Citizenship and according to the amendment, Russian citizens are required to report to the Russian authorities (Federal Migration Service) if they hold (or acquired) citizenship (or residence permit) of another country. If dual citizenship is not reported this is sanctioned with a fine RUB 200,000 (approx. EUR 2,700) or equal to one year income or compulsory works for up to 400 hours<sup>202</sup>.

It is not particularly beneficial to obtain an Armenian citizenship for an ethnic Armenian who is holding a Russian citizenship. The person can stay visa free in Armenia 180 days within one year. Then they have to register with the authorities and apply for a residence permit. It is fairly easy to stay in Armenia without citizenship if you are holding a Russian citizenship. The only exception is the lack of the possibility to vote.

IOM referred to the (IOM) Household Survey of 2013 showing that 90 % of the emigration from Armenia was to Russia. It is easy for an Armenian to migrate to Russia, as there is a visa free regime between the

---

<sup>202</sup> Federal Law on Citizenship of RF (changes), art 6 and 30 - <http://docs.cntd.ru/document/499099534>

two countries. Traditionally, Russia has been the preferred destination for work migration, but recently this has changed due to the sanctions imposed on the Russian economy, limiting job opportunities and devaluation of the currency. This means that a salary in Russian roubles is only worth half of what it used to be in Armenian drams. In addition, Russia has from the beginning of 2015 implemented a stricter migration policy which among others includes imposing entry bans on persons who violated migration legislation while in the Russian Federation. This has affected approximately 60,000 Armenians who used to travel back and forth to work.

### **Mixed marriages and children of mixed marriages**

Nagorno-Karabakh is an un-recognised territory and Armenians born and living in Nagorno-Karabakh will be able to relocate to Armenia. They travel on Armenian passports in which it is stated that place of birth is Nagorno-Karabakh. According to IOM no Azerbaijanis live in Nagorno-Karabakh today, maybe some elderly Azerbaijanis are left, all others are Armenians. However, there is only limited information on the situation in Nagorno-Karabakh, as only few NGOs operate there, ICRC being one of them.

It is difficult to say if spouses from Nagorno-Karabakh who are holding an Azerbaijani citizenship and married to Armenian citizens will be able to obtain Armenian citizenship. Acquisition of the citizenship in such cases is not prohibited by the Law on Citizenship<sup>203</sup>, however cases of granting citizenship or refusing one (on this ground) are not known to IOM, perhaps due to nonexistence.

As regards children of a mixed marriage of Armenians and Azerbaijanis, it is in principle possible for them to obtain an Armenian citizenship, but such cases are not known to IOM. These persons will try to settle in countries where they are not facing problems. It would definitely be problematic for them to settle in Armenia.

Armenians who return from Russia with Russian spouses and children do not face problems for themselves or their families. They can apply for and obtain Armenian citizenship, if they have documents. Today children are registered at birth in even the most remote areas, but if they do not have proof of being Armenians, they may face problems. The Armenian authorities are strict when it comes to documentation, and there could be some administrative barriers, since the Armenian authorities do not proactively engage in negotiations with for instance the Russian authorities regarding such a child's paperwork. In this connection IOM mentioned that the Armenian Church does not play the same role in Russia, as it does for instance in Syria, and there might not be any registration of birth or marriage with the Armenian Church in Russia.

### **Applying for citizenship outside Armenia**

According to IOM it is possible to apply in some of the larger embassies abroad, however it may not be in all places.

### **Loss of citizenship**

It is possible to renounce an Armenian citizenship on a voluntary basis. There might be single cases in which a person might lose his/her citizenship, but the source was not aware of any particular cases.

---

<sup>203</sup> [http://www.mfa.am/u\\_files/file/dualcitizenship-final-eng.pdf](http://www.mfa.am/u_files/file/dualcitizenship-final-eng.pdf)

### Corruption

Whether corruption would have an influence on the processing of an application for and granting of citizenship, IOM mentioned that one often hear that corruption is widespread in Armenia, but according to IOM one cannot say it would have an influence on the decision of granting a citizenship. However, it could not be excluded that bribe may have an influence on the speed by which an application is processed. The authorities have a solid understanding of the sensitive issues of proving ethnicity and hypothetically the paperwork in such a case could possibly be influenced by corruption, but IOM is not aware of such cases.

### Vulnerable groups

When asked about vulnerable groups in Armenia, IOM mentioned that Armenia is a homogeneous society with more than 95 % of the population being ethnic Armenians. There is a small Yezidi minority which receives certain attention and assistance, but the group does not constitute a vulnerable group as such.

LGBT was mentioned as a group for which the tolerance is not high, and especially at some work places this group could face discrimination and problems. On the other hand, this group has also received attention and assistance of civil society groups.

Regarding gender discrimination and violence against women, IOM found that in general the issue is a bit over-reacted. Active women NGOs have brought up the issue and Armenia is also a party to *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. According to IOM, there is a problem, but it is not that big, and women in Armenia in general do not face violence. The problem is visualised through the way women are treated when they approach the law enforcement authorities when reporting a problem. The law enforcement authorities lack the knowledge and the proper training to deal with such issues. Facilities for women are also missing. According to IOM, the consumption of alcohol in Armenian households is low, which could indicate that the risk of violence as a consequence of alcohol consumption is also low. On the other hand, seasonal male migration is frequent which means that women are head of households for periods of time, which could create tensions when the husbands are returning. However, IOM would not deny that the problems exists, but the fact that people live in extended families with parents and brothers would also provide mechanisms within the families which could prevent violence.

Certain criticism has also been raised in relation to discrimination against women, but according to IOM the legislation regarding women's civic and political rights is gender neutral, and women have equal access to various rights. At the labour market, women earn 60% of a man's wages and are often employed in midlevel or lower level jobs. It also depends on the sector where they are employed. Whether it is a rural or urban setting also has an influence. 62% of persons enrolled in higher education however are women.

- **Meeting with an International Organisation (1) in Yerevan, 13 April 2016**

### **The Legal System**

On a formal level, the Police of the Republic of Armenia and the judiciary appear well-functioning. Practically however, there are several problems and challenges that raise international concern. Both police and judiciary are corrupt. Cases are being closed or postponed indefinitely due to the administrative/ legal loopholes or corruption. Reform of the sector is supported financially and technically by donors for a long period, however it requires stronger political will and determination of the decision-makers.

International organisations usually conduct negotiations in questions related to improving the human rights situation through legal reforms. Even though officials publicly endorse reform initiatives, the process often terminates at the political level. Frequently, the adoption of good quality draft legislation is delayed or when adopted, it is not sufficiently implemented. There are also "last minute changes" introduced in the draft law shortly prior to its adoption. Given the new Constitution adopted by a referendum in December 2016 (marked by a high number of alleged fraud and irregularities), the Ministry of Justice and other line ministries are overloaded with drafting the necessary secondary legislation (around 100 by-laws to be adopted).

Earlier, there was no definition of torture in the Armenian legislation. In June 2015, the government approved amendments to the Criminal Code, aligning legislation with the Article 1 of the UN Convention against Torture. Torture, as previously defined, did not include crimes committed by public officials, only by individuals acting in a private capacity; neither could reports be investigated on other grounds than victims' complaints. The plan to align Armenia's legislation and practice with the standards of the Council of Europe's Commission for the Prevention of Torture (CPT) needs to be fully implemented. The criminal justice bodies kept relying on confessions and information obtained during questioning to secure convictions. Procedural safeguards against ill-treatment were missing. Allegations of instances of torture and mistreatment during pre-trial investigations, were not properly investigated.

The adoption of the revised Criminal Procedure Code, including the definition of torture, is still pending and the implementation is in a draft version.

### **Ombudsman (Human Right's Defender)**

The Human Rights Defender was recently appointed by the majority of the National Assembly following an ambiguous resignation of the previous one (probably following his criticism of the conduct of the December 2015 Constitutional referendum). The commitment of the staff is high; their work is characterised with quality and expertise. However, there are concerns about insufficient budget of the Office to fully perform all its functions, in particular of the National Prevention Mechanism against Torture's team (UN CAT) to perform monitoring in all regions and the remaining (part-time) regional offices.<sup>204</sup> The Annual Report is a very long detailed legal analysis, not user friendly material for the public and lacks clear information on the follow-up on all HRD's recommendations by various state bodies. Since the financing of the institution is

---

<sup>204</sup> In addition, the new Ombudsman publicly announced his intention to establish a Child Rights Unit in Armenia (as recommended by the United Nations Committee on the Rights of the Child) which will require additional resources for its staff and implementation of its monitoring and other functions.

confined; there are limits on areas of action in which the Ombudsman can operate. The staff has to be careful in dealing with state authorities.

The Ombudsman has established a hotline for citizens and the hotline is manned at all time. However, due to limited staff of the office only five employees are in charge of the hotline which covers the entire country.

Only about one third of the recommendations of the Special Report of the Ombudsman in 2013 are implemented. The remaining recommendations and requests are implemented either partially or not implemented.

A new draft Law on Anti-Discrimination is being drafted by the Ministry of Justice and civil society organisations. The law foresees establishment of an equality body to be placed within the Ombudsman's Office. Unless the Ombudsman receives more staff in connection with the Council, it raises serious concerns regarding the capacity of the Ombudsman's Office.

The Ombudsman was approved by the ruling majority at the National Assembly; thereby he is restricted to some extent. Furthermore, his work is carefully monitored by the government.

### **Political Situation**

#### **Opposition**

The political situation in Armenia is still influenced by the events in 2008 when the Police violently dispersed the opposition's demonstrations ending up with 10 demonstrators killed, the former (first) president was put in house-arrest and a 20-day state of emergency declared. This has led to an opposition which is weak and fragmented.

The political environment is not free and competitive. All government institutions are attached to the ruling coalition – the Republican Party and the nationalist Armenian Revolutionary Federation (Dashnaktsutyun). There is a general public distrust in the political system. Furthermore, the government has tightened the grip on the opposition and activists. This is due to the fear of the country's leadership with regard to a mobilisation of the opposition. If elections were free and fair the ruling elite would not win that easily. The escalation of the crisis over Nagorno-Karabakh at the beginning of April 2016, has contributed to a temporary improvement of the relations between the government and the parliamentary opposition parties.

However, the electoral reform (drafting of the new Electoral Code stemming from the new Constitution adopted by referendum in December 2015) is marked by divisions. The main opposition party and the civil society organisations push for incorporation of all Venice Commission and OSCE/ODIHR recommendations. The Electoral Code includes restrictions on forming coalition in the second round for the National Assembly, on the domestic and media observers etc.

There are calls for cooperation among the opposition parties – Armenian National Congress (ANC), the Heritage Party and the former Rule of Law Party (recently renamed to the Armenian Renaissance party). This is the first sign that the opposition is creating something constructive. Furthermore, there are some parties not represented in the National Assembly that are trying to rally for participation in the 2017-

elections. It is, however, still a question if they would be able to mobilise support from the youth and pro-European part of the population.

In general, the opposition lacks funding. There are not many wealthy people willing to finance the opposition, since businessmen are reluctant to finance the opposition after the 2008 events, and last year's pressure on the Prosperous Armenia party, which became pro-governmental.

### **Civil Society**

The government's approach to CSOs (civil society organisations)/NGOs and the civil society in general is formal. The civil society is not seen as a partner and is looked upon as an obstacle which criticises the government, and which does not contribute to a dialogue. However, there are platforms for dialogue and consultative sessions are organized by some ministries or state bodies. Some CSOs' formulations are included in draft legislation.

The CSOs are funded by international donors. In this respect, the agenda is set by donors, not necessarily by civil society organisations.

The second challenge for the independence of CSOs is that they are counterbalanced by pro-governmental NGOs – so-called GONGOs that are funded by the government and have more space in government-controlled/friendly media.

Finally, there are a small number of independent anti-governmental activists who engage in guerrilla-style protests.

When asked if NGOs or civil society activists are subject to persecution, the interlocutor replied that some activists have been repeatedly put in pre-trial detention for 72 hours or longer without being formally charged. Article 316 in the Criminal Code (hooliganism) has been used against activists. Article 316 covers violence against a representative of the authorities (disobey the order of a public security body) and the police uses this provision in various matters during demonstrations or gatherings.

The interlocutor mentioned the case of a well-known political activist who has been repeatedly detained in a number of cases related to various demonstrations, including the so-called Christmas tree happening on 31 December 2015. Also the case of a former war veteran, who was sentenced to six years imprisonment for alleged fraud after participating in a demonstration, was mentioned. The case has been filed at the ECtHR.

Regarding subjects which are sensitive for NGOs or civil society activists to deal with, the interlocutor pointed at the conflict in Nagorno-Karabakh and the relations to Turkey vis-à-vis the Genocide.

### **Freedom of Assembly**

There is freedom of assembly in Armenia. However, there are some restrictions. According to the law, when a small group of people gathers, there is no need to apply for municipality's permission. But in practice the police are "allergic" to allow demonstrations in the vicinity of the President's office, residence or the National Assembly. Secondly, the police often overreact – the amount of police officers often is double or three times higher than the number of demonstrators.

Since the end of 2014 the authorities' pressure on civil society activists has increased even though demonstrations have been about social issues such as pensions and transport and electricity prices. These demonstrations have been successful in gathering people's support. In the Electric Yerevan (summer 2015) demonstrations, the police used water cannons to disperse the demonstration. Some activists have systematically been detained for two - three hours in administrative detentions. The detainees were not subjected to ill-treatment, but their mobile phones and other communication devices were taken from them.

Overall, there seems to be a less tolerant approach towards demonstrations in the last months.

### **Freedom of Speech**

In comparison to neighbouring countries, there is a freer environment of freedom of speech in Armenia. Everyone can express his or her opinion in the public or online freely. However, the only truly free media in Armenia is the internet. TV-channels and printed media are under influence of political and business interests. Any criticism against the government in these media, would be rejected by the editor-in-chief. Journalists have in general imposed self-censorship. Journalists are poorly paid.

90 % of the Armenian population follows Russian media. Furthermore, Russia is using the media to communicate pro-Russian views – and spread anti-European and anti-Western propaganda (notably manipulation of articles related to gender equality, anti-discrimination or protection of rights of LGBTI persons).

Investigative journalists can freely publish online. However, as they are faced with small funding, their findings cannot reach the wide Armenian public.

Last year alone, there have been several incidents of violence against independent online journalists and hampering of their work. If journalists try to complain through the legal system they are often met with ignorance. The judiciary is not independent and if a judge decides against the ruling elite, it could have severe career consequences.

### **Vulnerable Groups**

Domestic violence in Armenia is underreported which has caused international concern. 30 women were killed in connection with domestic violence in the past years. However, it is difficult to obtain realistic statistics on victims of domestic violence in Armenia, since the police only keep track of official cases. There are a large number of unreported cases.

Armenia is a small, conservative country with a strong patriarchal society. In rural areas women often get married early; give up their education and live with their parents-in-law. Additionally, traditional and religious observances influence on the fact that it is difficult for women to return to their own family, because divorce is not accepted. This makes the women vulnerable in case of domestic violence. Domestic violence is more widespread outside the major cities.

The number of shelters available to female victims of violence is very limited, and they are run by the civil society organisations. The government will receive donor support to build new shelters, but they are not operative yet.

There are many barriers to report a criminal offence concerning domestic violence – most women probably would not report such cases. Even though the authorities state that there are female police officers, these have not been observed at rural police stations. Male police officers in rural areas will often be a friend of the offending husband. When reporting domestic violence, women can be subject to victim-blaming – that is the women could be accused of being the cause of troubles, since the general opinion is that domestic violence is more or less normal. In general domestic violence is considered a family matter. There are also traditional attitudes such as shame on the family put by the victim as a consequence of not knowing one's rights.

There is an international pressure to adopt new law on domestic violence in Armenia (the previous attempt failed due to propaganda and resistance of hard-line politicians). The process was postponed, because the government has been reluctant to discuss domestic violence and gender equality related issues – a question (artificially) often tied to a debate on LGBT.

There are problems with protection of LGBT rights in Armenia. There is no law on discrimination in Armenia to protect LGBT groups and other vulnerable groups which is a concern. Formally, steps have been taken to fulfil this requirement but so far it has not happened. The international community strongly supports drafting, consultations and adoption of the anti-discrimination law in Armenia.

Another vulnerable group is children. Children are often exposed to violence either from their parents or their older siblings. This is mainly because of the major problem of poverty in Armenia.

Children remain among the poorest groups of society with a higher risk of poverty for children with disabilities, younger children, those with more siblings and those living in female headed households. There is no clear and legally binding distribution of functions between social protection and child services. According to the “Child Poverty in Armenia - Child Needs 2014 Survey”, commissioned by UNICEF and conducted in partnership with the National Statistical Service of Armenia (published in January 2015), some 3.3% of children up to 18 in Armenia live below the extreme poverty line and 34.0% live below the poverty line. Child poverty rates substantially vary across regions - from the highest 49.6 % in Shirak region to the lowest 13.5% in Aragatsotn region. Although only 1.2% of children have disabilities, 52.1% of them are poor. Such children comprise 1.8% of poor children and are furthest from the poverty line on average by 16%. 19% of children under five years of age is undersized (stunted) or regularly malnourished while 10 % were extremely stunted. Stunting level slightly differs for boys and girls (19.1 % and 19.8 % respectively). The situation is somewhere so difficult that poor families institutionalise their healthy children in mental institutions, because they will receive food and clothing.

There are hidden issues with religious freedoms. There are reports on discrimination against Islamic minorities, Iranian tourists and the Yezidi minority of religious reasons.

Regarding the latter the Yezidi minority complains that they are not provided positions in decision-making bodies at central and local level (but the new Constitution stipulates minority seats in the National Assembly), that they lack financial resources for their civil society organisations, and that they are not provided with sufficient space in the media (though there is a radio programme in the respective language).

- **Meeting with a representative of an International Organisation (2), 5 April 2016**

### **Political Situation**

The political opposition is not a strong opposition. However, there can be occasions when the opposition is joined in common goals. When there is a crisis situation the opposition can join forces with the government as is the case concerning the situation in Nagorno-Karabakh. Under such circumstances the opposition actually has a say.

The opposition and the civil society can unite on some important issues and thereby put pressure on the government in order to alter or change its decisions. An example of the creation of a common front against the government is the case of “Electric Yerevan” when NGOs, civil society activists and the opposition protested against hikes in electricity prices.

There is a broad variety in the agendas of civil society activists and NGO groups. These could be human rights, ecological-environmental issues, economical issues like the Electric Yerevan, preservations of historic buildings like the Mashtots Park, etc.

However in case of Nagorno-Karabakh the situation is different as activists, officials and others who normally would not be in the same room may join the forces.

According to the source the civil society is not facing persecution by the authorities. There are some reported violations, but in general freedom of speech and freedom of assembly are preserved and critical attitudes towards the government are possible.

### **Freedom of assembly**

There has been a positive development in Armenia and in general, there is Freedom of Assembly. Applications to the municipality for permission to demonstrate are most often accepted. Demonstrations in Yerevan are usually held on the Freedom Square. However, when New Armenia wanted to demonstrate around New Year 2015/16 in Yerevan, it was not allowed because it was a public holiday.

The demonstrations against the hike in prices in electricity last summer (2015) were taking place between the National Assembly and the President’s Residence. People were sleeping there and blocking the street in the night. In the morning the street was cleared. There was some form of dialogue with pro-government affiliates who tried to convince the demonstrators to move to Freedom Square. Unfortunately, after one week of evidence of good crowd-management, the police dispersed the demonstration by use of violence, which received a lot of media attention.

When asked if there were any groups or subjects that may not receive a permission to demonstrate, the source mentioned that members of the LGBT community and demonstrations regarding LGBT rights would probably not be allowed. The authorities accept NGOs working with LGBT rights, but in the public sphere the acceptance and tolerance towards members of the LGBT groups are low.

### **Freedom of speech**

Freedom of speech is in general applied for the media. However, some media are under influence of financial interests.

The television media is to some extent under the influence of - or directly owned by - the so-called oligarchs – a group of very wealthy businessmen that controls a dominant part of the Armenian economy. The oligarchs participate in the political processes; many are members of the National Assembly. There was a case when an oligarch supporting the opposition was threatened by the government and an investigation of his business was initiated.

Journalists are not in prison in Armenia and they can be critical towards the government. In few cases their work is hampered, but the situation is better than in some of the neighbouring countries.

According to the interlocutor there are a few investigating journalists working for the internet media Hetq. Hetq is usually very critical towards the government, and has also been very vocal and very critical in reporting on violations by high ranking officials, but this has not had any consequences for the media or the journalists.

The activity on social media is extremely high and much organised. The authorities do not block or censor the content on the online media. However, it is possible that a degree of self-censorship prevails. Furthermore there have been attempts of hate speech, but these have calmed down.

### **Legal System**

The judicial system in Armenia is characterised by a general distrust of the population.

### **Access**

A common citizen has access to file a case with the courts, but the outcome of the legal proceedings is questionable and unpredictable. Different factors influence the case.

The biggest challenges in the legal system and the rule of law is the lack of an independent judicial system, the limited disciplinary measures towards judges and insufficient training of judicial personal with the aim of ensuring human rights standards.

With regard to access to a fair trial, the source referred to the report from the Commissioner for Human Rights of the Council of Europe Nils Muižnieks from 2015. The following issues were highlighted:

The equality of arms between the prosecution and the defence which is a fundamental aspect of a fair trial, are not fully effective in practice in Armenia. In particular, access to a lawyer at the outset of police custody remains problematic.

The access to legal aid also remains an issue. It is questionable if there is an access to free legal aid via the defence institutions such as the Public Defender's Office. These institutions have a huge case load and severe problems with funding of their activities. The heavy workload, the insufficient number and low salaries of public defenders are not conducive to the delivery of quality legal aid. There are between 6 and 7 judges per 100 000 inhabitants in Armenia, which is a lower figure than in most European countries (the European average is 21). The workload of judges at all levels is high.

It was further highlighted that the frequent resort to pre-trial detention as a preventive measure give reason to concern, in particular regarding to the unlawfulness of detention and specifically to the absence

of a court decision on detention, the unreasonable length of pre-trial detention, the lack of relevant and sufficient reasoning by courts while considering detention and its extension or automatic rejection for bail.

### **Integrity**

The Armenian judges are appointed by the RA president which highlights the question of independency in the system. However, the upcoming constitutional reform can contribute to positive changes in this regard.

The 2015 report from the Commissioner for Human Rights of the Council of Europe Nils Muižnieks, addressed the issue of independence of judiciary highlighting the pressure exerted on individual judges by higher judicial instances, mostly by the Court of Cassation, making judges obliged to obtain guidance from the judges of the Court of Cassation before ruling on sensitive cases.

Asked to what extend corruption is involved in the processing of cases, the source referred to the Special Report of the Human Rights Defender from 2013 in which the mechanisms of corruption is described and which revealed that a significant corruption affects all judicial instances, with judges taking bribes at various levels.

The persisting reports of torture and ill-treatment by the police and other law enforcement agencies, often with a view to obtaining confessions, are a major concern identified by the European Committee for the Prevention of Torture (CPT). According to the report from the Commissioner for Human Rights of the Council of Europe Nils Muižnieks from 2015, the reliance of investigative bodies on confessions and information obtained during questioning with a view to securing convictions and the lack of procedural safeguards against ill-treatment from the very outset of custody provide favourable grounds for the occurrence of such abuse.

### **Independent complaint bodies**

When asked about the effectiveness of the Ombudsman, the interlocutor stated that it is a question of commitment. The newly appointed Ombudsman made positive changes while he was a Deputy Minister of Justice. He was also a former member of the European Committee for the Prevention of Torture.

Everyone can contact the Ombudsman and get some kind of assistance. The hotline at the Ombudsman works and the ombudsman also has two to three local mobile groups around the regions of Armenia, but the help is only on a short term.

According to the source the Constitutional Court deals with violations of the basic Human Rights and the constitutionality of laws. The Constitutional Court has passed a few verdicts against the Government and the Government is obliged to follow the verdicts and recommendations from the Constitutional Court.

### **Vulnerable Groups**

With regard to the general situation for vulnerable groups there have been some positive developments among other things a new law on prevention of discrimination, which have been drafted together with NGOs and the Ministry of Justice.

Domestic violence continues to remain a problem. The finalisation and the approval of the draft Law on domestic violence is still pending. The issue has been tied up to gender equality and a couple of years ago

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

NGOs working with gender equality, LGBT and domestic violence received threats and were targets of hate speech. With the support of the international community the government made a positive effort to stop the more conservative part of the debate. However, the term of gender equality was toned down.

According to a survey conducted by the Women's Resource Center the number of cases related to domestic violence is increasing. However, according to the interlocutor it is difficult to estimate whether it is domestic violence that has increased or it is the reporting that is improved.

According to the source the issues of domestic violence and the lack on independence and accountability in the judicial system in Armenia have been raised, and this has been well accepted by the government.

A new vulnerable group seems to be ethnic Armenian refugees from Syria. They are profiled as a group that will be moving on and although they are included in the Armenian society, the level of unemployment often makes them leave Armenia.

- **Meeting with an International Organisation (3) in Yerevan, Armenia, 8 April 2016**

### **State Actors**

The National Security Service (NSS) is playing a strong role in asylum cases. Upon request of the State Migration Service, the NSS will issue an opinion in each case handled by the State Migration Service (SMS). The security service objects to certain cases with reference to security threats. These objections are written in one line without further explanation. The SMS usually does not assess security matters as it is not the competence of SMS to do so according to the law but instead is following the opinion of the National Security Service. The role of the courts is important. Courts in Armenia have not been willing to assess cases but have referred cases back to the SMS which have rejected certain profiles from certain countries based on NSS opinions. The courts have largely refused to assess the merits of an asylum claim but look only at procedural issues.

Judges do not specialize in certain fields (e.g. asylum cases). For further information the source referred to a study made by an organisation which is available from the UNHCR webpage<sup>205</sup>.

### **Human Rights Defender/Ombudsman**

According to the source the UNHCR and the Ombudsman have a Memorandum of Understanding regarding the administrative handling of asylum cases. The Ombudsman cannot enter the judicial level. The Office of the Ombudsman has set up a focal point regarding refugees and provides advice on certain legal matters concerning refugee cases. The Ombudsman is doing detention monitoring and the source has assisted in training the monitors.

### **Citizenship**

Regarding Armenians from Syria arriving in Armenia, although citizenship is not granted automatically they do have access to a facilitated procedure to obtain citizenship.

It is the Passports and Visas Department of the RA Police which is processing applications for citizenship, but only the RA President can grant a citizenship, and there is no appeal.

### **Applications in/outside Armenia**

With regard to the procedure for acquisition of RA citizenship, the source referred to the UNHCR *HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*<sup>206</sup> in which it is stated:

1. The person shall personally submit an application to the Armenian diplomatic mission or consular service in a foreign country, or, on the territory of the Republic of Armenia – to the Passports and Visas Department of the RA Police, which is the authorized state governance body in the frame of the RA Police.
2. For the collection of additional information about the applicant, the documents will be sent by the Passport and Visas Department to:
  - RA Ministry of Foreign Affairs;

---

<sup>205</sup> UNHCR, *Study on the reviewing powers of the administrative jurisdictions of the Republic of Armenia in refugee status/asylum cases*, Yerevan December 2015,

<sup>206</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 10

- National Security Service.

3. After the collection of comprehensive information, the Passports and Visas Department of the RA Police shall send the documents to the Staff of the RA President.

4. The applicant shall be notified that the documents were sent to the Staff of the RA President.

5. The President of the Republic of Armenia will issue a decree on granting RA citizenship.

6. The applicant shall be notified in order to familiarize himself/herself with the excerpt from the decree of the RA President and participate in the oath ceremony.

7. The person shall be issued a passport according to the procedure set forth the by the law.

Applications and petitions concerning citizenship issues shall be submitted in writing and considered within a six-month period. In case the application is rejected, the respective person shall be allowed to re-apply after one year from the date of rejection.

The Department sends the information on the process of applications regarding the acquisition of RA citizenship to the e-mail address of the applicant and/or mobile phone through SMS in a 3-day period, if the applicant has voluntarily filled in his/her e-mail address and/or mobile phone number in the questionnaire.

The applicant may be informed about the process of the application also through the official website of the Department, by inserting the individual code provided to him. The individual code is provided after the application is filed with the Department, by the e-mail address of the applicant or through the mobile phone number, simultaneously with the information being sent through SMS.

### **Requirements to documentation**

According to the *UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*<sup>207</sup> the following documents are needed to apply for RA citizenship:

1. application;
2. passport and a copy of the passport;
3. 6 (colour) photographs of 35 x 45 mm size;
4. birth certificate and a copy of the birth certificate;
5. marriage certificate and a copy of the marriage certificate;
6. the spouse's passport and a copy of the passport, or a certificate of the spouse's citizenship;
7. birth certificate of the child and a copy of the certificate, or the certificate that certifies RA citizenship and a copy of the certificate, or the passport of the RA citizen and a copy of the passport.
8. residence certificate of a stateless person and a copy of the certificate, or the travel document and the document certifying the RA residence status and copies of these documents;
9. any of the documents certifying that the applicant is of Armenian origin (in case of applicants of Armenian origin);

---

<sup>207</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 9

10. document certifying the payment of the state fee (AMD 1,000).

### **Who can be granted RA citizenship?**

According to the *UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*<sup>208</sup> the following persons have the right to apply for RA citizenship:

Any legally competent person, who is 18 years of age, is not an RA citizen, resides (stays) in a foreign country or lawfully resides (stays) in the Republic of Armenia, may apply for acquiring RA citizenship, if he/she:

- 1) has been lawfully residing on the territory of the Republic of Armenia for the preceding 3 years;
- 2) is able to explain himself/herself in the Armenian language;
- 3) is familiar with the Constitution of the Republic of Armenia.

The above mentioned refers to persons of non-Armenian origin.

Persons of Armenian ethnicity acquire RA citizenship through a simplified procedure; for the latter the above listed three conditions are not mandatory.

A person who is not an RA citizen may be granted RA citizenship without being subject to the 1st and 2nd conditions set above, if he/she:

- 1) is married to a citizen of the Republic of Armenia or has a child who holds RA citizenship,
- 2) has parents or at least one parent that has held RA citizenship in the past or was born on the territory of the Republic of Armenia and had applied for RA citizenship within 3 years of attaining the age of 18;
- 4) has renounced RA citizenship of his/her own accord after January 1, 1995. *Article 13 of the RA Law "On RA Citizenship"*

### **Mixed marriages and children of mixed marriages**

Regarding citizenship based on mixed marriages of Armenians and Azerbaijanis and children of mixed marriages, the source referred to a case in 2014 where the Armenian authorities had given access to the territory and to the asylum procedure to a couple from Azerbaijan with a man of Azeri ethnicity and a women of mixed Azeri-Armenian origin. The Armenian authorities requested the assistance of UNHCR to re-settle the family, as the Azerbaijani husband would never be able to get a job in Armenia due to his nationality and the children of such marriage would be harassed in school. Concerns over the possible safety of the family in Armenia were also acknowledged by UNHCR and the authorities. According to the source the UNHCR had tried to facilitate the re-settlement of the family with three children; however the family left Armenia on their own not waiting for the outcome.

### **Children of mixed marriages**

Children's possibilities to obtain RA citizenship if parents have RA citizenship are subject to following conditions according to *UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*<sup>209</sup>:

---

<sup>208</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 8

<sup>209</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 11

A child under the age of 14 whose parents have acquired RA citizenship shall acquire RA citizenship automatically.

If the parents have acquired RA citizenship, their children of 14-18 years of age shall acquire RA citizenship in case of their written consent.

If one of the parents has acquired RA citizenship, while the other is a foreign citizen or a stateless person, the child shall acquire RA citizenship, if both parents consent, or if the child resides on the territory of the Republic of Armenia and the parent who holds RA citizenship consents.

A child of foreign citizens who have acquired RA citizenship shall acquire RA citizenship on the basis of an application submitted in accordance with the procedure stipulated in RA legislation to receive a passport of a citizen of the Republic of Armenia. *Article 16 of the RA Law "On RA Citizenship"*

**If a child is born after parents acquire RA citizenship, the following conditions apply<sup>210</sup>:**

A child, both of whose parents hold RA citizenship at the time of his/her birth, shall acquire RA citizenship regardless of his/her place of birth.

A child, one of whose parents holds RA citizenship at the time of his/her birth, while the other parent is unknown or is a stateless person, shall acquire RA citizenship.

If one parent holds RA citizenship at the time of the child's birth, and the other parent is a foreign citizen, the child's citizenship shall be determined by the mutual written consent of both parents. No special format for the consent exists. The consent needs to be signed by both parents. In case one of the parents is absent from Armenia, his/her signature needs to be verified by a notary.

In the absence of such consent the child shall acquire the citizenship of the Republic of Armenia, if he/she was born on the territory of the Republic of Armenia, or if he/she would become a stateless person if he/she does not acquire citizenship of the Republic of Armenia, or if the parents permanently reside on the territory of the Republic of Armenia. *Article 11 of the RA Law "On RA Citizenship"*

Regarding the possibility for adult children of mixed marriage between an Armenian and an Azerbaijani be able to obtain Armenian citizenship, the source stated that by law it would be possible that they receive citizenship, but, in practice, the source was not aware of such cases and considers it likely that such applicants would be treated with suspicion.

### **Ethnic Armenians' opportunities to obtain citizenship without having lived in Armenia or having lived outside Armenia for a longer period of time.**

According to *UNHCR HANDBOOK OF FREQUENTLY ASKED LEGAL QUESTIONS*<sup>211</sup>, the documents to certify being of Armenian origin are the following:

- Passport bearing a note about being of Armenian nationality;
- Birth certificate bearing a note about being of Armenian nationality;
- Residence certificate of a stateless person,<sup>6</sup> travel document, document certifying the residence status in the Republic of Armenia, bearing a note about being of Armenian ethnicity;

---

<sup>210</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 12

<sup>211</sup> [http://www.mfa.am/u\\_files/file/syria\\_brochure\\_eng.pdf](http://www.mfa.am/u_files/file/syria_brochure_eng.pdf), page 9

- Document on baptism issued by church institutions listed in the Annex 4 of the RA Government decree No. 1390-N (adopted on November 23, 2007)<sup>7</sup>, and approved by a Republic of Armenia diplomatic representation or a consular body in foreign countries, bearing a note about the baptized person or his/her parent being of Armenian ethnicity;
- Document on being of Armenian ethnicity issued by authorized bodies in a foreign country and approved with an apostil or consular validation;
- Other documents substantiating the circumstance of being of Armenian origin, approved by a Republic of Armenia diplomatic representation or a consular body in foreign countries;
- The birth certificate of a parent (or grandfather, grandmother, sister or brother) or other identification document bearing a note about being of Armenian ethnicity. You may also submit the birth certificate (or another document certifying ethnicity) of your brother or sister from father's or mother's side if your consanguineous parent is ethnic Armenian. In case of submitting a document stated in this point it is also necessary to submit a document confirming the relationship with the relevant person.

### Loss of citizenship

The source did not have any information on conditions for loss of citizenship but has knowledge of cases where Armenians have renounced their Armenian citizenship in order to obtain Russian citizenship. According to the law, the president has to grant the renouncement of citizenship.

The source also knew of cases where a person has renounced his or her Armenian citizenship and has not applied for it to be reinstated if the person is not granted citizenship in another country. The person will then approach the Visa and Passport Department of the RA Police in order to obtain an ID card for stateless persons.

### Vulnerable groups

The international organisation referred to public sources that there is a general lack of protection for LGBT refugees.

There have been cases of refugees who were Jehovah's Witnesses and were rejected by State Migration Service based on the opinions of the National Security Service.

Yezidis are on the other hand recognized as a minority group in Armenia. Recently, 19 persons entered Armenia from Iraq and received refugee status. The minority group represents 2-3% of the Armenian population.

### Civil society activists

NGOs do not have a strong voice in Armenia. NGOs that are successful in Armenia are often supported by the government. Few of them do advocacy for refugees. The government has some formal consultations with the NGOs in various contexts, but no real dialogue with these organizations take place.

### Media

The media are mostly free depending on the issue they report on. If the topic is not sensitive, then it is possible to state that the media is free, but if it is a topic related to Nagorno-Karabakh or the Government, then the media exercises a greater degree of self-censorship.

- **Meeting with Western Embassy (1), in Yerevan, Armenia, 6 April 2016**

### **Citizenship**

The Passport and Visa Department of the RA Police is the responsible authority for citizenship in Armenia. Ethnic Armenians can also apply for citizenship from outside Armenia, for instance, by appearing at an Armenian embassy or consulate. As an example the embassy mentioned the ethnic Armenians from Syria, who have obtained passports at the Armenian Embassy in Damascus or at the Armenian Consulate in Aleppo. Armenian passports are considered proof of citizenship. The Armenian authorities are generally generous with issuing passports to ethnic Armenians. The 16,000 ethnic Armenian refugees from Syria who have come to Armenia have obtained citizenship. They are all Christians, who belong to the Armenian Church. Armenia has not issued citizenship to non-Christians from Syria.

On the question of whether the same rules apply for all applicants irrespective of nationality or former citizenship, including persons from Azerbaijan, the embassy replied that due to history and the present situation in Nagorno-Karabakh, a person from Azerbaijan would neither be able to obtain citizenship in Armenia, nor would he or she be allowed to enter Armenia.

### **Political situation**

The conditions for the opposition are in general fine, but there have been incidents in which opposition figures have been arrested. However these have belonged to very radical groups, who want to overthrow the government with illegal means.

The traditional political opposition is very weak. The political parties are often old and include the Heritage Party, Armenian Congress, Armenian Revolutionary Federation and the Prosperous Armenia. These parties are both marginalized and not seen as a threat to the present power. With the new Constitution in place, the present government is confident in remaining in power. The agenda of the opposition is limited to three points, i.e. Nagorno-Karabakh, the genocide of Armenians in 1915 and the bad performance of the existing government. Most opposition parties do not have an ideology or a political programme as such.

Two new parties have emerged, "Bright Armenia" and "Civil Platform" which are more professional in their approach. "Bright Armenia" is a liberal party that is cooperating with the group of liberal parties in the EU Parliament. Both parties are pro-EU and based on a democratic civil platform. Since the parties are not yet seen as a threat, the government is only monitoring the parties ahead of their first test – the participation in the 2017 elections.

It was underlined that the government is not an autocratic government. All opposition groups are allowed to continue their work.

The conduction of the recent elections in Armenia has been internationally criticised for several violations. Voter lists are not published and due to a huge migration from Armenia, there are many citizens on the voter lists, who are not voting, but whose votes are subject to fraud. As an example of a poorly conducted election the referendum in December 2015 regarding the new Constitution (which will change the presidential system into a parliamentary system) was mentioned. According to observers, this election was not well performed either, but it is now a fact that a new Constitution is in place. In practice it means that

the president, who is now serving his second and last period as a president, can remain in power as a prime minister as long, as he is able to retain a majority in National Assembly.

### Civil society activities

Armenia has a vibrant civil society. As an example, the demonstrations against a hike in electricity prices in the summer of 2015 were mentioned. The background for the demonstrations was the increase in the electricity prices which has to be considered together with the fact that the electricity company is a Russian company that has been mismanaging their accounts and creating a huge debt. The mismanagement has been evident from annual reports submitted to the government. At the same time, the owners of the company are known to have an extravagant life style, which has upset the general population. The reaction of the Armenian authorities to the demonstrations was unusual, according to the embassy, when water cannons and violence was used to split the demonstrations. The authorities overreacted, when the demonstration went outside areas where the permission to demonstrate was given and people started walking towards the Presidential Palace.

### NGOs

The NGOs in Armenia are well-functioning and the government is not suppressing civil society. Approximately 2,000 NGOs are registered in Armenia, but many of them are so-called “one person” NGOs which is a NGO that primarily consist of one person. The NGOs cover many subjects in the Armenian society such as women rights, LGBT, media, human rights etc.

### Media

The situation for the media is fairly good. Television and printed media are often owned by people close to the government and there are clear signs of self-censorship in the news coverage. Internet based media has a very vocal broadcast, which is not necessarily in line with the government. As a comparison it was mentioned that the situation of the media is far from the situation in Russia, Azerbaijan or Turkey.

### Situation of vulnerable groups

#### *Situation of journalists*

There is no tradition for an investigative and critical journalism in Armenia. Journalists, who speak openly against the government, may sometimes be apprehended, but will soon after be released from detention. The journalists more often struggle with the fact that no one cares, when they write critical articles.

#### *LGBT*

Among the most vulnerable groups in Armenia are people belonging to the LGBT community. They live very isolated from the rest of the society and may risk to be beaten up in the streets, if they are openly expressing their sexual orientation. It would be unthinkable to organise a pride parade in Armenia due to the fear of reprisals from the population and lack of protection from the authorities. LGBT persons rarely speak open about their problems, why it is difficult to assess, how targeted they are.

#### *Women and domestic violence*

Women subject to domestic violence are also considered a vulnerable group and domestic violence is very widespread in Armenia. Domestic violence is often influenced by culture and poverty. The Armenian society is a patriarchal society, and it is difficult for women to report incidents of domestic violence to the police,

as the subject is considered a matter within the family. The police officers lack knowledge about domestic violence and would most often ask the women to go back to their families and solve the problem within the family. On the other hand, many women withdraw the case themselves, if the police officer asks the women, if they want them to go and arrest their husbands. Outside Yerevan domestic violence is quite common.

There are some improvements in the police, as a new unit has been set up to deal with domestic violence. Some NGOs are working to prevent domestic violence and the organizations have set up two shelters in Yerevan for women, who need protection. There are no shelters run by the government. The subject of domestic violence is not discussed openly.

### **The legal system**

The possibility of getting a “fair trial” in a private conflict will depend on the status of the two parties. If one of the parties is more powerful than the other part, it would not be possible to obtain a fair trial, as the most powerful part will be able to manipulate the verdict e.g. by paying bribes.

- **Meeting with a Western Embassy (2), 6 April 2016**

### **Political Situation**

Regarding the political opposition the relationship between the opposition and the government is not working.

During the debate on the Constitutional Reform in 2015, the government did not invite the opposition groups and the civil society to participate in the process. During the current debate on a new Electoral Code the opposition and the civil society are creating barriers, i.e. either they can work together with the government and be subject to claims about colluding with the government or the opposition can choose not to cooperate and be outside influence. The government is trying to cooperate with the opposition groups in the parliament and appears to engage in cooperation with other emerging opposition groups. Challenges are expected with the new opposition parties, which are appearing, especially because there will be more international focus in the upcoming elections in 2017.

### **Civil society activists**

The civil society in Armenia is very active and very vocal. The civil society is not acting completely without problems, but is quite vibrant. On the question of whether the civil society can influence the government, the source referred to the 'Electric Yerevan'-event in the summer of 2015, when people demonstrated against a proposed hike in electricity prices and as a result of the protests the prices subsequently did not increase. However, initially the authorities reacted violently to the demonstrations.

Around New Year 2016 the authorities also used violence against civil society activists from the party New Armenia at Freedom Square, who tried to bring a Christmas tree to the New Year's celebrations. This was prevented by the police and the activists were detained.

On the question of whether there is any difference between members of political parties and activists, it was replied that the line is blurred. In trying to promote a change, many people do not see any prospects in political parties. There has been no change in the regime since 2004, and the country is governed by a political elite. The bottom line is, that it is difficult to pinpoint, where in the system the lack of confidence in the effect of the opposition is.

In the process around the new Electoral Code, the opposition both within and outside the National Assembly are beginning to cooperate with the civil society activists in some form of unity.

### **Freedom of Expression/Speech**

People do feel able to speak freely. Many are active on Facebook and critical opinions are also aired here. With reference to the recent conflict in Nagorno-Karabakh, the debate on Facebook was in the beginning concentrated on unity, but more recently critical opinions towards the government had also been noted. Human Rights issues and proper treatment of people are also debated.

There is also a political cabaret going on in Yerevan which is mocking the government and the politicians without any problems.

There is some degree of self-censorship, which is more related to public opinions than to policy statements of the authorities. The sensitive topics, which may not be discussed, are: the Nagorno-Karabakh conflict; the relations with Turkey and LGBT-issues.

The problem with the LGBT topic is partly due to a Soviet legacy and partly due to the role of the Armenian Church and the traditionalist Armenian society. In this connection it was also underlined that people get their information mainly from Russia, and there it is considered that western ideas of human rights should not be imposed on people.

### **Vulnerable groups**

Regarding the risk of LGBT persons, it was mentioned that they are subject to hate speech and also physical attacks. In this connection it was also noted that the adoption of an anti-discrimination law, which has been promoted by the Council of Europe and other groups, face difficulties in Armenia.

Asked if religious minority groups could be targeted, the source was not aware of any problems, but mentioned that the Armenian Apostolic Church is strong.

Domestic violence is an underreported issue in Armenia. The Armenian society is a patriarchal society and not very sensitive to the issue of violence against women. Women, who are victims of domestic violence, are supported by some women groups and NGOs, who are running shelters. In general, the women are not treated properly, as the problem is ignored. Some training of the police on how to treat victims of violence has taken place, but the problem has social aspects, and in many cases the problem is not reported due to lack of alternatives for the women, who cannot get any support outside the family. The problem is also connected to the migration aspect and the fact that men are out of the country for longer periods, and the women live with their in-laws.

### **The Legal system**

There is a need for a judicial reform in order to ensure the access to justice in Armenia. Corruption is the main problem as it permeates all aspects of the society. Rich people are well connected with the politicians and can influence politics, as well as justice. The authorities have acknowledged the problem and are looking for donor support to the sector.

### **Media**

The oligarchs are controlling the media – the printed media as well as TV. The best quality TV is broadcasted from Russia and is connected with Russian propaganda. The political opposition and the civil society have limited access to TV and have difficulties in getting airtime.

#### *The social media*

The social media are very active and very vibrant. The authorities are looking at what is going on in the social media, but are not punishing the activities. The sensitive issues, which cannot be debated, are as earlier mentioned the Nagorno-Karabakh conflict, relations with Turkey and LGBT. Journalists of other media are imposing self-censorship on these issues. On the other hand, there is no tradition of investigative methods of journalism in Armenia.

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

The problem is that the mood of the authorities can change quickly, which was also seen during the electricity demonstrations last summer (2015). There is a line, which must not be crossed, but which is difficult to define and the rules of engagement can change very quickly.

- **Meeting with representatives of an Embassy in Yerevan, 7 April 2016**

### **Political Situation**

The (ruling) Republican Party is strong in Armenia and politics is very closely linked to the economic sector and the oligarchs. After the referendum of the Constitutional Reform in December 2015 the presidential system will be changed to a parliamentary structure, but the expectations are that the ruling party will retain power.

Most political opposition parties do not provide a real alternative to the ruling party, also because they do not really have a programme, why their success has been limited. With the exception of Prosperous Armenia, opposition parties have only been able to obtain 5-7 % representation in the National Assembly.

Generally, there is a lively political debate and the political opposition can express their point of views. However, in the political processes leading up to the Constitutional Reform and the new Election Code, the political opposition and the civil society complained that they were not included and hence feared manipulation with the elections. This is partly true as the president and the government invited the parties to participate, but the opposition refused on the given conditions.

There is a general mistrust between the opposition and the government, which is going both ways and politically, there is a polarisation in the country.

On the other hand, when it comes to issues of foreign policy and especially the conflict in Nagorno-Karabakh and the relations with Turkey, there is a general consensus between the government and the opposition. For all other issues there is a polarisation of politics.

### **Civil society activists**

There are, in principle, no restrictions for the civil society activists to operate. Organisations can openly express their opinion as there are no obstacles to freedom of speech. In this connection the embassy referred to the demonstrations in June-August and December 2015. It is possible to demonstrate, the situation, however, is by far not perfect. There are only limited checks-and-balances, which create a deep mistrust between political groups and the civil society. When the government proposes new initiatives people ask themselves, who is benefiting from these proposals; the society, the government itself or the persons behind the government who holds the real power?

### **Freedom of expression**

In general, there are no obstacles to freedom of speech, but there are certain sensitive issues, which cannot be debated openly.

In particular, LGBT is a topic, which is difficult to address in public, although a growing number of NGOs are doing so successfully (also with the support of the international community). The Armenian society is a rather conservative one and, when it comes to LGBT issues, the culture is closer to Russia than to Europe. It is difficult to advocate rights for LGBT persons. The family institution is strong in Armenia and extramarital relations are also a topic, which is hardly discussed openly.

### Freedom of Assembly

Demonstrations are normally allowed to take place and the demonstration against the hike in electricity prices in the summer of 2015 was mentioned as an example of this. As long as the demonstrations do not pose a danger to the present government, they are allowed to take place. However, if suddenly 10,000 people were in the streets, the reaction of the government would be unpredictable.

### Media

The television is mainly owned by the oligarchs and by some political parties and are therefore more reluctant to criticise the government.

The print media has a limited circulation. There are no restrictions on the media, but journalists who work for newspapers and media owned by politicians and oligarchs tend to impose a certain self-censorship in order to be able to work.

Social media are more important than other media for the political debate in the society. There is no censorship online. The government feels secure in their power and does not worry about discussions in cyberspace. On the other hand, the discussions do not have a minimum of influence on the government and people see no opportunity for the opposition to affect the government.

### Vulnerable groups

LGBT is a vulnerable group which is victim of discrimination in daily life. There is hardly any public discussion about the situation for LGBT persons. The situation of LGBT can be compared to the situation for this group in Russia, but there is not as much hate speech and violence against this group in Armenia compared to Russia; otherwise the embassy did not have information on the situation of the group.

Women in general are not victims of systematic (gender) discrimination. Legally, there are equal rights for men and women, but the laws have not yet been implemented. The Armenian society is a very male-oriented society and it can be compared to the societies in Western Europe approximately 40 years ago. Women are not paid as much as men and are not working at the same management level (lower- and mid-level positions)

Religious minority groups such as Jehovah's Witnesses have had a success with a new law (2013) on their right to an alternative military service, and there are no longer any prisoners because of denial of military service. However, the group is still a vulnerable group in the Armenian society, because people are sceptical towards Jehovah's Witnesses among others due to their opportunity for alternative military service, while others have to send their sons to the front in Nagorno-Karabakh. According to the Constitution there is freedom of religion in Armenia and other religious minorities such as the Yezidis have all rights and also citizenship in Armenia.

### Legal system

Judges do not always act independently, but are influenced by government officials. There are indications that government officials hint or somewhat influence judges' verdicts in certain cases.

Corruption is a problem in the Armenian society. Efforts to combat corruption have been included in an Action Plan, which is presently being drawn up and facilitated by the Council of Europe. However, there is

mistrust against effects by the civil society, who have declined to participate in the process. Corruption permeates all levels of society and everybody benefits from corruption – not only the top level. There is a need for a long term approach to make a change.

In principle, the legal system is working and people have access to a fair trial. It is difficult to prove that decisions have been influenced by politicians or corruption. However, if someone with a political or economic clout is involved in a case, there will be doubts on, whether the judge will work independently. Armenia is a country of networks, which makes it easy to influence a case. On the other hand, there is no systematic misuse of state institutions by the government, but in single cases with an economic and/or political interest involved the institutions are abused.

### **Independent complaint bodies**

The previous Ombudsman resigned recently. He worked relative independently and was able to make a change in some cases. He also had the courage to criticise the system openly. However, the new Ombudsman is closer to the government than the previous one and it remains to be seen, how he will work.

### **Citizenship**

Around 20,000 Armenian Syrians have come to Armenia as refugees. 14,000-15,000 Armenian Syrians have stayed in the country, but 5,000 have left the country to unknown destinations.

Armenia has been very generous in granting citizenship to Armenians from Syria. Regarding the proof of Armenian ethnicity, the authorities have probably used the lists of members from the Armenian churches in Syria.

(The refugees have been welcome, but the economic situation is posing a challenge to the newly arrived.)

### *Mixed marriages*

It is easy for Russians and other nationalities to obtain citizenship, if married to an Armenian spouse.

Regarding people from Azerbaijan (and Turkey), it is unheard that there should be mixed marriages between Armenians and Azerbaijanis (and Turks). None of such couples are living in Armenia and it would not be likely that such couple would decide to come and live in Armenia.

### *Children of mixed marriages*

If there are descendents of a mixed marriage between an Armenian and an Azerbaijani living in Armenia, it would be from long ago. The conflict in Nagorno-Karabakh has been going on for more than 20 years and no such descendents would settle in Armenia after the conflict started.

- **Meeting with Association of Judges in the Republic of Armenia, Mr. Grachik Sargsyan, Chairman and Mr. Vahe Yengibaryan, Executive Director – 13 April 2016**

#### **About the source**

The Association of Judges was founded in 1997 and the members of the Association are the judges of RA Courts of all instances.

The goals of the Association of Judges are to support the establishment and consolidation of a sovereign, democratic, social, legal state, the development of an independent judicial system, the works on laws amendment drafting; to contribute to the raising of the qualification, study, training and exchange of work experience of the members of the association of judges, provision of the independence, immunity and security of judges, raising of their reputation, provision and consolidation of the independence of the Court and Judicial Power and increase of public confidence towards the Court, organisation of meetings and of the rest of the members of the association; to protect the legal interests and rights of the association members defined by law, their honor and dignity; to provide the judge's maintenance of the rules of behavior; to assist in the provision of the protection of human rights and freedoms; to cooperate with foreign and international associations of judges and to publish periodicals, legal literature, by the order defined by law, elucidate the experience of the association members, the activity of the Court and Judicial Power.

#### **Access**

The courts see complaints from citizens almost daily, claiming a violation of their rights. In 90 % of these cases, the claim from the citizen is accepted and the ruling is in favour of the citizen.

The legislation ensures the citizen's right to seek redress through numerous instances such as the police, the prosecutor, the Ombudsman and the Constitutional Court. The citizens enjoy all their rights when they apply or complain to one of the law enforcement institutions in Armenia.

Citizens can file civil claims with the courts. Often the claims regard a conclusion from the investigator which the citizen does not agree with. The court can accordingly reverse the conclusion and send the case back for further investigation and a new investigation will then be initiated. In half of the cases, the investigation will end up with a new result.

#### **Capacity/Resources**

The judicial system in Armenia is extremely overloaded, and it is estimated that a First Instance Court has a backlog of 1,700 – 1,800 cases per judge, which is six to eight times more cases pr. judge than in average European courts. The court system needs more judges, but the government is arguing that this is not economically affordable at the moment. The number of cases in backlog causes both the system and the citizens to suffer. There are violations of deadlines, and the probability of mistakes made by the judge increase, due to the caseload. Under such circumstances a judge is not capable of delivering a quality judgement.

A judge can handle up to 20 cases a day.

There is a range of 120 – 150 criminal cases in the courts a year, and there is insufficient administrative staff in the system to help the judges. People therefore complain over the violations of the timeframe in the case handling.

The Association has not seen any former Soviet country without this problem in the judicial system.

Regardless of the backlog, the principle of fair trial is fully implemented in Armenia. The principle of fairness is implemented in all aspects of the court system in Armenia.

The issue of fair trial is often discussed, but the Association has full confidence in the system. Every trial has two parties, and one of the parties will always lose. The losing party will often claim the lack of fair trial.

### **Integrity**

According to the constitution, candidates for the office of a judge must apply through the Council of Justice. If the application is accepted, the candidate undergoes special training at the Academy for Justice. Those who graduate with a sufficient score will be selected by the Council of Justice and appointed by the Council and approved by the President.

The Association has never seen cases, where the RA President did not approve a candidate. It is possible for the president to reject a candidate, but there has to be a good reason for the rejection.

Judges in Armenia are independent, and judges do not have the power to exercise pressure on the system in order to for instance advance a case or influence a case outcome. All cases are filed in an electronic system and all court hearings are recorded. The court date for a case is fixed in the system and changes can be traced.

When asked about the allegations made by the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, regarding the corruption in the court system, the Association stated that they have met with Nils Muižnieks and have among other things discussed the allegation of corruption. Apparently Nils Muižnieks did not have any facts of corruption and was reacting on a rumour.

Corruption is something that threatens any system no matter the character of the system. Corruption exists both in Armenia and in the rest of the world.

The Association does not have any experience with the level of corruption in Armenia, but since citizens file complaints about corruption, it cannot exclude the possibility.

An Ethic Commission has been established and this commission receives complaints regarding the conduct of judges. The Ethic Commission also handles cases regarding dismissal of a judge; however there have been no such cases in recent time. There is one pending criminal case against a judge, but the case is not related to disciplinary violations.

Referring to sources pointing at the existence of a legacy of corruption and misconduct from the former Soviet Union, the Association stated that such opinions are groundless. Today there is no reflection of the Soviet Union's legal system in the judiciary in Armenia. On the contrary it is possible to claim that Armenia is the most proactive country of all former Soviet Countries in reforming the judiciary after the European model.

Armenia was thus the first country to establish a code of conduct for judges and according to the European Court of the Human Rights, ECtHR, the code is exemplary.

When asked if judges from the Court of Cassation advises or supervises the judges of the first instance and appeal instances before making a verdict, the Association stated that this is not taking place. However, it is not prohibited by the law for a judge to ask for advice regarding a provision in the law. This does not influence the independence of the court session. The higher courts are not mandated to instruct the lower courts.

The only instruction given is in the case law from the Court of Cassation or the ECtHR. But there is a dialogue between judges and the prosecutor might also try to get an indication on whether the prosecutor's opinion in a certain case is followed.

When asked about corruption within the police, the Association stated that this is a difficult question. The Special Investigation Service deals with these cases and they study the extent of the problem. There are numerous cases regarding corruption within the police, filed with the Special Investigation Service, the prosecutor or the courts.

The Association has never heard of retaliation against a judge for making a verdict.

When asked about the biggest threats to the independence of the judiciary system, the Association stated that the low salaries of judges and the low pensions are the biggest threats. Also the insufficient technical support and the lack of social guaranties pose a threat to the independence.

The Association of Judges is a non-government organization. The Government is in no way affiliated with the Association. Membership of the Association has no influence on a judge's advancement.

### **Vulnerable groups**

There is not a particular vulnerable group as such. Women in relation to domestic violence may be a vulnerable group. There have been criminal cases regarding domestic violence, but no civil cases. The exact number is not known, but there are probably numerous cases throughout the country.

Most of the cases regard divorce, use of force and infliction of injury.

Commissions and NGOs provide legal aid to the affected women, and some cases have been brought up in the media, but the problem is not seen as urgent.

- **Meeting with Chamber of Advocates, Ara Zohrabyan, Chairman, Nelli Harutyunyan, Deputy Chairman and Simon Babayan, Director of the School of Advocates – 14 April 2016**

### **Background**

The Chamber of Advocates is an independent organisation, founded in 2005 according to the Law on Advocacy of RA. The General Assembly of the Chamber elects the Chamber Chairman and the 12 Chamber board members for a four year term.

Future advocates have to pass the admission exam and study for one year before passing the bar exam at the Chamber of Advocates.

If advocates take up public office, the license to practice as an advocate will be suspended. It is not allowed to practice as an advocate and be a public official at the same time.

The Chamber of advocates organises free of charge legal aid within the Public Defender's office. There are 66 Public Defenders and they are paid by the government via the Chamber of Advocates. A Public Defender to ensure legal aid to vulnerable groups has also been established.

### **Access**

The judicial system in Armenia gives the citizens all the opportunities to expect observance with the legal requirements.

The Chairman of the Chamber of Advocates does not deny that there are some problems in the judiciary, and that the general approach to a case has not always been fair. On the other hand it is not possible to say that the courts (deliberately) may refuse to hear certain cases. Anyway, everybody has access to court.

### **Capacity/resources**

There is a backlog in the court system. The hearings before the courts are often delayed up to two months and the rulings of the court may be delayed a year.

There are too few judges compared to the number of citizens. The caseload per judge affects the quality of work and assessments in the courts.

### **Fair trial**

The Chamber has mentioned that advocates mainly criticise the process of accepting cassation appeals by the Court of Cassation. The Chamber said that the Court of Cassation and the Court of Appeal have the same authority, but the Court of Cassation selectively takes into consideration only a few appeals, which raises complaints among applicants and advocates.

Only the First Instance Courts make a ruling regarding the fact of a case. Both the Appeal Court and the Court of Cassation only check the legality of the decision from the First Instance Court. They do not accept new evidence. Therefore the Court of Cassation often makes the same assessment of the case as the Appeal Court. This means that the evidence of the case is only examined one time, namely by the First Instance Court.

With regards to criminal cases, the evidence is only presented by the prosecutor and only in the First Instance Court. If the defence has evidence to present before the court, this evidence must be handed to

the investigator of the case and then presented by the prosecutor. The prosecutor may conceal the identity of witnesses during the pre-trial phase and only disclose the identity during the trial.

When asked if the prosecutor and the defence have an equal access to witnesses and evidence during the investigation, the Chamber stated that equal access only takes place in court. The prosecutor can wait until the day of the court hearing to disclose the evidence and the witnesses. Immediately before the court hearings, the defence gets access.

On the other hand the defence will often wait until the court session to reveal the identity of an important witness, because the lawyer fears that the witness could be subject to pressure and blackmail.

When asked if the courts operate with the principle of presumption of guilt rather than the presumption of innocence, the Chamber stated that the influence of the prosecutor's office in a former Soviet country is still prevailing. The mentality of the courts is unfortunately that the suspect is guilty when the case reaches the courts.

Judges will still approve the investigator's request for detention of a suspect in 90% of the cases. However, this is probably also related to the public opinion and to the sense of justice. The acquittal rate is much higher nowadays. Young generation of judges work without stereotypes, which, will no doubt, bring significant progress in the judicial reform process.

There have been problems with ill-treatment of suspects and forced confessions. There have also been problems regarding the defence's access to the client at the police station, as the apprehended person has no judicial status. There used to be cases when a person was being told that he or she could not invite an advocate because of not having a relevant status of a suspect or accused.

Given the fact that the defence may get access to the client at the police station, it is fair to conclude that forced confessions and ill-treatment seldom happens.

In 2012 the Chamber of Advocates signed a collective agreement with the police and established a committee consisting of three police officers and three advocates. In cases where the police block the defence's access to the client, the advocate may file an application to the committee. The committee could then file a complaint with the head of the police. In 2012 the committee filed 16 such cases and managed to ensure sanctions regarding individual police officers. In one case, a police major was fired. In 2013 ten such cases were filed, in 2014 there was a single case, and in 2015 there were five cases. These latter cases were all related to the electricity demonstrations in June 2015.

If the apprehended was subjected to improper behaviour or bad language etc. from the police, they would later file a complaint.

With regard to civil cases, the system is much better. The equality of arms is ensured in most cases, however, there are problems in cases involving large amount of money and/or public officials. The Chamber of Advocates highlights that in every case there is always a losing party and the losing party will always complain. But it cannot be ruled out that sometimes there is some truth in the complaint.

### **Integrity**

The judiciary is under pressure from the legacy of the Soviet rule. The courts are under pressure from the inherited role of the prosecutors, even though they make efforts to be more independent.

There is a group of judges who were educated in the Soviet Union. But a group of younger judges, who are not burdened with the Soviet heritage, is evolving. These judges look to a higher extent to the standards set out by the European Court of the Human Rights.

The Ministry of Justice has suggested that the Ministry administer the register of licensed advocates, but the Chamber has made objections to the law that enables the government to control the licenses, since this would undermine the independence of the Chamber and the Bar.

It is the expectation that people are protected in the legal system, and the advocates are expected to resist any pressure. Under the Chamber a (special) committee has been established to protect the advocates from pressure.

The citizen's attitude to the judiciary system is often characterized with distrust in civil cases. When a big sum of money is at stake, the citizen would be prompted to believe that a judge could be subject to the temptation of taking a bribe.

When asked about the allegations made by the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, regarding the corruption in the court system, the Chamber stated that the system is not perfect and thus the justice is not perfect. The Chamber also fights against corruption. There are certain rules prescribed in the Code of Ethics with the main purpose of keeping advocates from corruption.

For example, according to the Code of Ethics, article 3.1.9 the combination of both being involved in the case upon the assignment (proposal) of the official of the investigation body and not providing sufficient legal assistance to the client, amounts to a clearly gross disciplinary violation.

Another example is the article 3.1.10 of the Code of Ethics, according to which, an advocate may not provide guarantees, in particular not guaranties regarding the result of the performed assignment, despite of the foreseeability of the result, when this result depends on the decision of a judge or the investigating body. An exception is conscientious and quality performance of his/her professional obligations, as an advocate.

A promise by the advocate that a judicial act will be adopted in favour of the client in civil, criminal or administrative case, as well as a promise that a body conducting criminal proceedings will have a final decision in favour of the client, amounts to a clearly gross disciplinary violation. In case of clearly gross disciplinary violation, the Law on Advocacy of RA defines the execution of the gravies type of disciplinary penalty: termination of the advocate's license.

### **Domestic violence**

When asked about cases concerning domestic violence the Chamber stated that such cases occur, but the number is not high. Mentality plays an important role. Striking or hitting a woman in Armenia is a very immoral thing to do. If someone in the street hits his wife, then witnesses may most likely retaliate against the husband.

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

Only few cases reach the courts. If a woman reports domestic violence, the police will investigate the case, and most likely give the husband an oral warning. Cases containing sexual violence have also reached the courts and rulings against the husband have been made.

When asked about protective measures towards the woman, the Chamber stated that there are numerous NGOs. Women can apply to any advocate in divorce related topics, and the Public Defender also has a unit dealing with divorce cases.

Women are more well-informed today and will probably be more reluctant to tolerate violence and violent behaviour.

- **Meeting with Helsinki Association, Mikayel Danielyan, chairman, 11 April 2016**

### About the source

Armenian Helsinki Association is a human rights defender organization was established by a group of human rights activists and registered with the Ministry of Justice of the Republic of Armenia in April 1997. Main aims and goals of the organization are: the protection of human rights and fundamental freedoms, particularly: monitoring of trials, prisons, psychological hospitals, army, freedom of speech, freedom of religion, freedom of association and assembly as well as the monitoring of realization of responsibilities of all those international treaties and agreements that the Republic of Armenia has signed guaranteeing fundamental human rights to its citizens. Helsinki Association provides the citizens with free of charge legal and advocacy services. Helsinki Association has a branch in Vanadzor.

### National Police

According to Helsinki Association the Armenian police can only in very few cases assist ordinary citizens, and only in cases of petty crimes such as theft, street fights and domestic violence. In cases when a citizen is engaged in a private conflict with politically or economically powerful people it would be useless to approach the police even if you pay a bribe. If a citizen has a conflict with a low-level public official the police would only intervene in the case if the citizen pays enough money in bribery. High-level officials would also be untouchable.

Helsinki Association estimates that the level of corruption in the police is 100 %. All levels from top to bottom are corrupt. This mean that if a citizen files a case – often a complaint – the person needs to pay an amount of money “to start the process.” If the person does not pay bribe the police may start a case, but the case will be terminated after some time without an investigation. The legal paperwork is being prepared and initially there is a traceability of documents in the investigation. But without money to lubricate the process, the police would not do anything.

Furthermore the police are under pressure from political and economical interests. The police will always rule in favour of the ruling political party.

### Independent State Bodies

According to the Helsinki Association the Special Investigation Service cannot be independent.

The Ombudsman’s Office is not independent. The institution of the Ombudsman’s Office was basically useless in the former Soviet republics. The former Ombudsman became known for a critical report in 2013. But according to the Helsinki Association the report was not critical.

The Constitutional Court has made some wholehearted attempts to solve some important issues regarding the legislation.

### Political situation

According to the Helsinki Association the real opposition in Armenia is not represented in the National Assembly.

The so-called opposition in the Assembly is united with the ruling elite for example in the question of Nagorno-Karabakh.

The extra-parliamentarian opposition is subject to persecution. The Helsinki Association named cases of well-known activists who had been or were in detention.

One of them is Vardges Gaspari, who is known for non-violent protests to demonstrate his opinion of the judicial and political system in Armenia. He has participated in several demonstrations and protests in Armenia over the last years. In February 2016 he received an additional criminal charge, allegedly for hindering the vote during the 6 December 2015 Constitutional referendum, where he was an election observer. He is also facing accusations that he allegedly insulted police officers and a judge in court in April 2014. Gaspari has refused to attend the hearings at court. In February 2016 he was arrested<sup>212</sup>.

### Non-governmental Organizations (NGOs)

The human rights defenders and critical non-governmental organisations are targeted by the authorities in different situations especially if they criticise the government and the ruling elite, but it does not mean that they are not able to work.

As is the case with journalists, human rights defenders are permanently targeted by the National Security Service. As regards journalists, there are journalists who are targeted by the National Security Service and after the recent developments at the border with Azerbaijan there is also a political pressure. Helsinki Association had knowledge of one recent case in which a journalist working for a media organization had come under pressure because his reporting on the conflict in Nagorno-Karabakh in the electronic media (e.press.am) deviated from the government position. The editor of the website was also a commentator on an Armenian TV channel owned by the president's family. He was dismissed from the TV station. Afterwards he and his family were not physically attacked, but they were followed by cars sometimes and would receive phone calls to check on them.

The authorities put pressure on human rights defenders and civil society activists. The chairman of the Helsinki Association mentioned that his family is limited in their job opportunities. Other activists are harassed with different non-physical methods. The authorities will for example look for compromising material against activists and if they find something they will use such compromising material against them at a later time. However, there are only few organisations working with human rights in Armenia and they know how to defend themselves. The government would not assault activists of these organisations, as the NGOs would be able to announce such attacks to the world.

In other cases the authorities will try to control activists and NGOs by giving them access to grants and sponsorships.

In general the landscape of the civil society activist is dominated by what the Helsinki Association calls GONGOs – Government NGOs – that is organisations that appears to be non-governmental, but in reality they are established and controlled by the government or they are government-supportive. According to the Helsinki Association this has been one of the main achievements of the authorities that they have been able to develop the civil society in Armenia in a way that 90-95% of the NGOs are controlled by the government.

---

<sup>212</sup> <http://hcav.am/en/events/26-02-2016-03-en/>

### Freedom of assembly

In general people are allowed to organize demonstrations, but there are limits on the freedom of assembly in Armenia. All major demonstrations the last years in Yerevan seem to have been organized by people from within the ruling elite.

An example is the demonstrations in Yerevan in the summer of 2015 – the so-called Electric Yerevan – which had a motive in pressing the Russian-owned electrical company that announced the hikes in electric tariffs. It was striking that there were only one day with clashes between demonstrators and the police. The calmness of the following weeks was surprising when taking into account that the demonstrators blocked one of the main streets in Yerevan for three weeks. This left no doubt about the fact that the instructions to the police came not from the police management, but from a higher political place – probably the presidential administration. It cannot be ruled out that the demonstrations were a kind of political street-fight between fractions within the ruling party. There are indications that it was not a normal demonstration: It was not as other demonstrations organised spontaneously by youth activists and the organizers refused to allow any attempt of a political agenda within the demonstrations.

Other demonstrations have been violently dispersed quite fast and effective. In 2013 youth activists gathered and marched towards the presidential residence. The police quickly showed force and put the demonstrators in detention. In November 2013, authorities arrested Shant Harutyunyan, an opposition leader, and 13 activists, after they clashed with riot police following an attempted march to the presidential administration building. The government claims that the group intended to forcibly occupy the building. Harutyunyan claimed that police officials physically abused him in custody, but authorities have not initiated an investigation into the allegations. In late November 2013, a Yerevan court ordered Harutyunyan to be sent to a psychiatric institution for a forced examination<sup>213</sup>. In October 2014 Harutyunyan and his supporters were found guilty for acts of hooliganism and handed down sentences ranging from one to seven years. Harutyunyan specifically was sentenced to six years' in prison. In October 2015 the claim from Harutyunyan was registered at the ECtHR.

In another case from 2011 six mothers of soldiers tried to demonstrate in front of the president's office in Yerevan. The authorities did not allow the demonstration and dispersed it. The mothers have been fighting for disclosure of their sons' cases of non-combat deaths in the armed forces for years. President Serzh Sargsyan approached the mothers demonstrating in black outside the building of the presidential residence, and publicly promised that he would do his best to reveal those cases of deaths<sup>214</sup>.

According to Helsinki Association one of the mothers was beaten by the police. When the demonstrators tried to initiate a complaint about violations of the right to assemble the authorities attempted to obstruct the process.

### Vulnerable groups

The main vulnerable group is the LGBT community. It is the only group that is primarily targeted in Armenia. The problem consists of the fact that the Armenian community is conservative, traditionalist,

---

<sup>213</sup> <https://www.hrw.org/world-report/2014/country-chapters/armenia>

<sup>214</sup> [http://www.armenianow.com/society/70458/armenia\\_mothers\\_soldiers\\_peacetime\\_noncombat\\_deaths](http://www.armenianow.com/society/70458/armenia_mothers_soldiers_peacetime_noncombat_deaths)

nationalistic and influenced by the Armenian Apostolic Church and the Russian view on sexual relations. In theory there is no law that directly bans homosexual behaviour, but the general hostility in the society towards LGBT creates a lot of problems for the community:

- They are met with intolerance from close relatives, local community, the media and the society in general
- They are subject to hate speech from politicians, the media and people on the streets
- They are subject to hate crimes from extremist groups
- They face discrimination and are dismissed from their work

In 2012 a bar, DIY in Yerevan, known as a gathering place for the LGBT community was firebombed and writings at the entrance of the bar with threats of retribution against the owner regarding her sexual orientation were made. The crime has not been defined as a hate crime at Armenian Courts. The case has gone through all court instances in Armenia.

Persons from the LGBT community who work in prostitution are attacked both by extremist groups and by the police.

Often the victims will not complain. The result is usually that the cases are dismissed and never go to court hearings.

There are a few NGOs who defend the rights of the LGBT community, but over 60 % of the NGOs show intolerance towards the community.

There is no possibility that politicians would express views in favour of the LGBT-agenda in public. It would terminate their political carrier in the present political and societal environment, which is a traditional one.

However, there are improvements compared to other years. There are now registered NGOs working with defending LGBT rights and in the social media there are also discussions on LGBT issues. There is no segregation in the society and LGBT people do find places in public where they prefer to come. There is no legalisation on homosexual relationships, but they do live together with their partners. They do also find jobs, but many have problems.

Women are also considered a vulnerable group and domestic violence is a widespread problem in Armenia – especially in the regions. The women can approach the police with complains. Often the police will give a warning to the husband the first time.

There are few cases when female victims of violence approach the Helsinki Association.

The situation with religious groups has significantly improved. There have been no serious issues since 2013 for Jehovah's Witnesses after they contributed to the law on Alternative Military Service. Their problem with military service is now eliminated. It is a very small and not so popular organisation. In the 1990's there were some attacks on this group, but now the problem has ceased. There has been an issue with the teaching of the history of religion in the schools for children of families who have different beliefs than the Armenian Apostolic church.

- **Meeting with Armenia Lawyers' Association, Mr. Karen Zadoyan, President, ALA – 7 April 2016**

### Background of the source

The Mission of Armenian Lawyers Association, ALA, is: to develop a new generation of highly professional lawyers, having a modern outlook and moral values, as well as to promote the establishment of rule of law, and formation of the legal culture in the society. ALA was founded in 1995, by a group of students from the faculty of law at Yerevan State University with other young lawyers.

The organisation was established having the aim of coordinating the efforts of its members and supporters, as well as of the new generation of lawyers, to promote the establishment of Armenia as a sovereign, democratic, legal and social state. ALA has placed great importance on the development of professional skills since its establishment and works to establish favourable conditions for the fulfilment of this goal. The Association has established a legal resource centre.

ALA first and foremost provides free legal assistance and lawyers in cases of corruption. ALA also represents vulnerable groups and women and works together with UNHCR regarding asylum cases. Earlier ALA had legal centres across the country and provided free legal attorneys also in the courts, but today, although ALA has only a few offices, the association is still providing legal aid to citizens.

ALA is funded from abroad, mainly from the EU and OSCE. ALA's mission regards human rights, legal remedies, raising awareness and anti-corruption.

### Access to the Legal System

If a person wants to bring a case before the courts, he/she can apply to the courts of first instance either by defending himself/herself or through an attorney. The specificities of presenting the case before the courts depends on the type of case, mainly it is civil, administrative or penal.

There are specialised attorneys that provide legal aid to people in detention, including pre-trial detention. The principle of ensuring the right to legal aid is regulated by article 10 of the Criminal Procedure Code of RA, mainly according to the part 5 of the aforementioned article *the body conducting the criminal proceedings is entitled to provide the suspect or the accused with free legal counselling based on the financial situation of the latter*.

Clause 3 of the part 2 of article 65 of the abovementioned code stipulates that the accused has the right ... to have a defence attorney from the moment of indictment, to refuse from the defence attorney and to defend himself/herself;

If a person is invited by the police as a witness, pursuant to part 6 of article 206 he/she has the right to appear with a lawyer, but the lawyer can only observe the proceeding and has no right to intervene. Therefore, the issue of non-access to legal aid in the pre-trial detention stage exists and human rights activists often address this issue.

### Civil society activists

It happens that political activists are arrested, but they are released by the police after interrogation. They can be arrested, but are quickly released again. The explanation from the police is that they needed to get

some information from them. In certain cases the police can subject the activists to administrative liabilities. NGO activists and other people are active on social media in putting focus on the police's arrests.

On the social media activists often claim that they were illegally arrested and exposed to ill-treatment. ALA gives the following example; after a demonstration a civil activist claimed that violence was used against them in the police cars. Footage from cameras recording in the car was published and clearly showed though that no violence was used.

Nowadays the police are very careful in trying not to violate the rules of conduct, because such actions will be published online afterwards on websites that covers activities of civil activists and violations of the law.

Replying to the question under which circumstances the police will arrest activists or subject them to administrative liabilities, the ALA stated that the police must keep the public order including the participants' security, carrying out their duty to support the peaceful assembly. However, according to the Article 180 of the RA Code of Administrative Offences *failure to inform the head of the community in a manner stipulated by law about public events or failure to implement in a timely manner the decision to terminate them in cases stipulated by law is punished with a fine.*

### Vulnerable Groups

ALA cannot mention specific groups who could be considered as vulnerable, but according to ALA's experience unemployed people, people who depend on some sort of public social benefits, people with disabilities, refugees or asylum seekers and women are to be considered vulnerable groups in Armenia.

With regard to women, there are some subgroups that are more vulnerable than other women. These include women, who are unemployed and do not have a reliable source of income, thus are financial insecure. Elderly women living in rural areas are also considered as a vulnerable group.

Domestic violence against women exists in Armenia. Women also face employment discrimination, problems in participating in local governance. Problems relating to reproductive rights have also been an issue. ALA has not dealt specifically with domestic violence towards women and can therefore not provide further information related to this issue or on the access to shelters.

### Corruption

The risk of corruption is considered very high in the judiciary system. ALA does not have any tools to measure the problem, but based on interviews with different people and referring to the special report from 2013 by the former Ombudsman problems with corruption have been documented.

When ALA is asked to advice on a case, ALA will assess, if corruption is involved and then, if the answer is positive, bring it before Special Investigation Service. Often the person approaching ALA belongs to social and vulnerable groups and often the complaint regards paying bribes in the public sector. However, a problem is that many people refrain from approaching ALA on corruption cases due to the fact that Armenia is a very small country and people know each other, hence they fear retaliation.

To combat corruption ALA, among other things, is working on implementing criminalization of the illicit enrichment in the Criminal code, which is being effectively used in other countries. ALA also works in cooperation with OSCE on enacting a law that would protect the rights of a whistle-blower.

The civil society has also an important role in combating corruption. More than 70 organisations have formed an Anti-Corruption Coalition that is growing all over the country. The Government has at the same time signed an agreement to create an Anti-Corruption Platform which can evolve to be a framework of discussion of relevant problems.

Corruption must be considered as one of the biggest challenges for the citizen. There are two kinds of corruption:

- Corruption at the bottom level: This includes public servants. (The authorities combat the corruption to some extent.)
- Top-level corruption. This includes political corruption

Both levels are important to eliminate. According to ALA, Armenia needs political will to combat corruption and the right mechanisms such as establishment of an independent Anti-Corruption Agency, protection of whistle-blowers, independent courts, raising the awareness about corruption and means to combat it.

### **The Ombudsman, Human Rights Defender**

It is still too early to assess and evaluate the newly appointed Ombudsman of Armenia. In general, the institution of the Ombudsman is not fully independent; however the office can have an impact on the administration of human rights.

The Ombudsman is appointed by the system, i.e. the National Assembly and is dependent on the political will. The law provides the opportunity for the Ombudsman to be independent. However, if and when the Ombudsman makes a critical recommendation; the system (state authorities) will indirectly induce his resignation. The former Ombudsmen have resigned, but they have not spoken openly about their reasons for resigning, and they have not had enough courage towards the authorities.

### **Citizenship**

Issues regarding citizenship are not within ALA's sphere of work. According to article nine of the RA Law on Citizenship an Armenian Citizenship is acquired:

1. through recognition of citizenship;
2. by birth;
3. through receiving citizenship (naturalization);
4. through the restoration of citizenship;
5. through receiving citizenship as a group (group naturalization);
6. on the bases set forth in the international treaties of the Republic of Armenia;
7. In other cases set forth in this Law.

The legislation provides the opportunity to obtain citizenship more easily through marriage with a citizen of Armenia or having a child who holds Armenian citizenship which are ways to receive citizenship through naturalization. ALA is familiar with problems related to mixed marriage between an ethnic Armenian and ethnic Azerbaijani. It is not a common phenomenon, but it is often claimed in asylum matters with the purpose to obtain citizenship or residence in another country. It is believed to be possible to live in Armenia

with an Azerbaijani spouse according to the legislation, but the public will probably not accept such a marriage.

### **Integrity in the legal system**

In the present state of the judicial system it is hard to give a definitive answer to the question whether or not a person may have a fair trial. Although the right to fair trial is enshrined in a number of both national and international legal acts, such as European Convention of Human Rights, however, today political connections and resources can have an impact, on how cases are assessed in court. The European Court of Human Rights has found violations by side of Armenia mainly regarding the right to fair trial.

If the courts of Armenia were independent, the issue of a fair trial for persons with conflicts with the government affiliated persons would not exist.

Although the judiciary is not entirely independent, the recent changes introduced to the judicial system and the education of new judges send a positive signal. Nevertheless, years are needed to denounce old practices and secure independence.

The newly educated judges are more trained and skilled and whenever a judge retires, the new judge can take over office. This gives a hope for a more independent judiciary, since the new judges are both more professional and have higher moral standards.

However, ALA shares the public's concern regarding the issue of non-independence of the system. Until the entire system is independent, there will not be an independent judiciary.

The biggest barrier for changes towards a more independent judiciary is the political will to change or, more precisely, the lack of the latter. Meanwhile, it is important to raise the awareness of the public – to teach them not to expect that it is necessary to pay bribes in order to obtain something. To assist in this education, ALA has set up a website for legal information: [iravaban.net](http://iravaban.net) which has an average of 40,000 daily users.

- **Meeting with Civil Society Institute, Arman Danielyan<sup>215</sup>, director; Artak Kirakosyan, chairman, 8 April 2016**

### About the source

The Civil Society Institute, CSI, is a non-governmental organisation based in Yerevan, which aims to assist and promote the establishment of a free and democratic society in Armenia. Established in 1998 and formerly known as the Civil Society Development Union, CSI has implemented a series of programs, research and publications surrounding the principles of democracy and human rights. CSI is funded by various international donors, including EU, UN Democracy Fund, OSCE, USAID, various embassies in Armenia etc. CSI is the Armenian member organisation of the International Federation for Human Rights (FIDH).

### The Legal System

Though overall the judiciary in Armenia lacks independence, there are some signs of improvements. In some administrative cases related to peaceful assemblies, few citizens are beginning to win cases in courts concerning compensation after the authorities have violated their rights. This did not happen some years ago. The position of the Armenian Chamber of Advocates that provides legal aid became stronger, but also human rights NGOs provide free of charge legal aid to ordinary citizens. The quality of the support has improved and the defence lawyers are better educated.

There are some courts with young, better educated judges who look for international inspiration such as case-law from the European Court of Human Rights and set up quality demands for the prosecutors. These judges care more of their reputation, they believe in justice and the salaries are better, so it is actually possible to live of them.

But when some courts more often begin to acquit, the police appeal the judgments to higher courts in order to reverse unwanted decisions. Therefore the road ahead is still long and difficult.

The mentality of the people arrested and/or prosecuted by the authorities is still that ultimately they are happy to get released – even though they made nothing wrong, because the fear of the court system and judges is still great. This means that very often due to the persistent lack of trust of the population in the judicial system, unlawfully prosecuted persons do not seek redress and claim compensations. Some people do not want to appeal the guilty verdicts issued by the first instance courts and remain in pre-trial detention facility. The distrust to the judiciary is high, and the Prosecutor's Office and the Courts are not independent.

The whole judiciary depends on the president and the ruling party. The president appoints the head of the police, the Prosecutor General and the judges. This results in the fact that some people with close ties to the government and the country's leadership have special privileges.

Most judges try to have good relations with the government and the Prosecutor's Office, thus following the prosecutors' directives in their sentences.

---

<sup>215</sup> Civil Society Institute has informed DIS on 7 June 2016 that Arman Danielyan is no longer director of CSI. The note has been approved by CSI 10 June 2016.

If a citizen have a private conflict with a person with political or economic influential connections the possibility to have such cases solved impartially by the courts is impossible. The political and the economic elites are intertwined and economical and political powerful people are protected, some of them with seats in the National Assembly.

### Political Situation

#### *Opposition*

The main political opposition is destroyed and the present political opposition in Armenia is small, divided and without influence. It can be categorised in three categories:

Firstly, there is such a phenomenon as the so-called 'One-Election Party Coalition' which means that the parties try to win it all during one election and when they do not succeed, they more or less vanish again. According to Civil Society Institute, CSI, the Coalition made by Prosperous Armenia, Armenian National Congress and Armenia Revolutionary Federation is an example of this kind of opposition. It is also difficult for the opposition parties to find one common candidate and unite behind this person. This is because political opposition parties are personalized and serve more as a springboard for their leaders than as a programmatic power aimed at constructive resistance to the ruling party and attracting voices and support of the population.

Secondly, there is a new movement of younger politicians. There are two parties who try to call for a more democratic and better structured opposition – Civic Contract and Bright Armenia. In their eyes the former strategy has not been successful and they call for an institutionalized opposition that not only participate in presidential- and parliamentary election, but build a platform through local elections.

Thirdly, there are the extra-parliamentarian opposition parties whose popular support varies a lot, but it is usually quite low. One of the parties is New Armenia. Their members are impatient in wanting radical change of the political system. They do not believe in elections and call for revolution. However, they are quite successful in PR on social media often with provocative methods.

The popular participation in politics is very low. People do not believe that they can change anything. It is difficult to make one's voice heard directly to government. That is why people protest in the streets.

If the topic is right, it is possible to mobilize people in the streets such as the protest against electricity hikes in 2015, which mobilized 30,000 participants. The main conclusion of these demonstrations is that people, not only the youth, is ready for changes.

Asked under which conditions a political opponent could risk persecution, CSI replied that the behaviour of the police is unpredictable. In some cases, the police use violence. At one demonstration the police can be acting constructively with a calm order of conduct. At another demonstration violent dispersal of peaceful gatherings can be the agenda.

The same unpredictability can be the case with the conduct of the police towards prisoners in detention. In some cases torture are being used. In other cases – it is not. However, in majority of cases the police would not be using torture against political or other prominent persons. However, indirect pressure and threats are also a common practice, including the case of Safaryan, mentioned below.

The problem derives from the fact that many of the articles in the Criminal Code are inherited from the times of the Soviet Union. The same goes for the superior attitudes of the authorities. This is definitely the case concerning Article 316 (which is resorting to violence against a police officer with the penalty ranging from a fine up to imprisonment for the term of five years). The result is that citizens never know what the reaction will be from the police. It may range from no action to administrative arrest or criminal charges.

For the last three years, CSI conducted a monitoring of convictions under Article 316. Its results show that in the overwhelming majority of cases the accused were handed down prolonged prison sentences for rather minor law infringements and simple disobedience to the police.

Recent cases of prosecutions under Article 316 of the Penal Code show persistence of the practice of charging participants of peaceful assemblies of resorting to violence against police officers. In latter cases, the said provision of the Penal Code is used by the law enforcement as a tool to exert pressure on protesters, hereby violating the right to peaceful assembly.

The most recent example is the case of Gevorg Safaryan. On 3 January 2016, the Court of General Jurisdiction (of Kentron and Nork-Marash) of Yerevan authorized a two-month pre-trial detention of Gevorg Safaryan, a member of “New Armenia” political movement. He is charged with resorting to violence against a police officer under the Article 316 (1) of the Armenian Penal Code and faces a penalty ranging from a fine in the amount of 300 minimal salaries up to imprisonment for the term of five years.

The incident took place on 31 December 2015, at the Freedom Square in Yerevan. “New Armenia” supporters gathered in the square to celebrate New Year. A New Year’s tree was then brought to the square and was instantly confiscated by the police, hereby provoking demonstrators’ disagreement that led to a confrontation with the police. As a result, some of the protesters were summoned to police station, including Gevorg Safaryan who was charged with the Article 316 based on a testimony of a police officer claiming having been hit by G. Safaryan. CSI consider pre-trial detention and charges against G. Safaryan as well as the penalty he faces, to be disproportionate and aimed to sanction his political activities.

When asked if there is a difference in the behaviour the police towards a high profile activist and a low profile activist, i.e. could an unknown activist end up in the same situation as Gevorg Safaryan, the CSI replied that in general anyone can end up as Gevorg Safaryan, it depends on a number of factors and being a person who is able to inspire others to join protests is one of these factors. Another factor is the cause for the protest – anti-Russian protests often trigger harsher reaction by police. The situation of each apprehended activist depends on numerous of circumstances, including existence or absence of specific instructions of the superior authorities in relation to the ongoing situation, the behaviour of the activist, and even the mood and the temper of the police officer in charge.

Meanwhile, the police acts more careful when it realizes that a person has some knowledge on the legal procedures and practices or knows “the right person”, be it a high profile civil society activist or someone with personal links in the police or other governmental agency.

The law concerning the detention of a citizen states that the police have three hours to inform what the apprehended is accused of. Within 72 hours the apprehended must have his detention confirmed in court.

During the demonstrations in summer 2015 – also called Electric Yerevan – the police could sometime withhold a citizen for five to ten hours in administrative arrests, though the law allows three hours only.

Such violations are appealed in courts and sometimes administrative court adjudicates in favour of protestors. However, it is not to be compared to other former Soviet republics such as Russia and Belarus, where administrative arrests can be for 10-15 days.

### *NGOs*

Armenian Non-Governmental Organisations, NGOs, have an agenda which is more and more political, thus moving away from single-cases and claimed breaches of human rights to participate with the opposition. Some NGOs are openly criticising not only topics, but also the whole regime and supporting political parties, others are simply engaged in trying to change the society.

The government is not hindering the work of NGOs in Armenia, and there is no direct persecution. The legislation about organising and working in the civil society spheres is in order. NGOs have to register, but it is an easy process and not a problem, according to CSI. The NGOs have had difficulties finding financial support, thus many are receiving international donor financing. But a new law that is currently being drafted opens up for NGOs to have revenue-funded activities in order to finance its work.

According to the Civil Society Institute the government knows that it needs the NGOs. Many NGOs play a vital part in the society by organising aid and support to poor and vulnerable people, and help internally displaced refugees from Nagorno-Karabakh. The Prime Minister allegedly said that the demonstrators during Electric Yerevan – protests in June-August 2015 helped the Armenian government in the negotiations with Russia.

However, it remains to be seen what will happen, if the government's life is at risk. On the one hand they need some kind of democratic development, but the civil society does not really know how the elite would react if its privileges were at stake.

The freedom and inclusion of the civil society sector in the political processes, anti-discrimination policies and democratic developments are necessary conditions under which the European Union develops budget support programs for the Armenian government. Thus external pressure also plays an important role in the more or less balanced attitude of the government to the non-governmental sector.

### *Freedom of Assembly*

Armenia has a progressive law on allowing demonstrations. Up to 100 people can spontaneously gather and demonstrate without permission. Any citizen can apply and permission is very often granted.

There have been cases when the municipality in Yerevan did not allow the party New Armenia to demonstrate. The party has for example tried to take advantage of a visit from a foreign head of state in April 2015, and the demonstration was not approved and was dispersed by the police with violence. Some participants were arrested for a short time and then released. Usually it is not a problem.

The government is, however, sensitive about a couple of issues concerning the organisation of demonstrations. The authorities do not tolerate that the streets are closed because of demonstrations and demonstrations in the vicinity of the president's office or residence are promptly dispersed.

According to CSI, the main problem in Armenia is decision making. Only the president can decide and the corruption is endemic. The only way people can complain is to come to the street, if they want to stop the government. As examples of successful demonstrations were mentioned the demonstrations against rising prices on electricity in 2015, against rising prices on public transport three years ago (2013) and against the building of shops in Mashtots park in Yerevan in 2012.

### *Freedom of Speech*

The TV Channels are either governmental or belonging to a specific party. The party owned channels often state that they are alternatives to the government, but in reality they do not compose any opposition. Some TV-channels are owned by oligarchs, often tied to the government. And a few channels are indirectly related to some of the other political parties. Of all media, TV has the biggest audience in Armenia.

According to the Civil Society Institute the four major TV-channels are politically represented as follows:

- TV Ararat – Republican Party
- Yerkir Media – Armenia Revolutionary Federation
- H3 - Renaissance Armenia – Rule of Law Party
- TV Kentron – Prosperous Armenia

Printed press have a small amount of readers. Many prints express pro-government views

Radio broadcast are more diverse, but the news section of radio broadcast is small.

The most diverse and active debate can be found on the internet. There are no imposed restrictions and around 250.000-500.000 people are active online. There are also online broadcasting of foreign media as for instance Radio Free Europe/Radio Liberty and Armenian broadcasting by companies which have not been able to obtain a license in Armenia as for instance A1+.

### **Vulnerable Groups**

The most vulnerable group in Armenia is the people living in the border regions with Azerbaijan or in Nagorno-Karabakh. This is mainly because of the frozen conflict that went active in April 2016.

The LGBT community is a vulnerable group, but due to the work of pro-LGBT NGOs and networks, the condition for LGBT is improving, yet very slowly and without any support from the authorities. These groups and networks are working openly on Facebook. Four years ago (2012), there was a Diversity March in Yerevan which was faced with troubles from a group of young ultra-nationalists. The police was in between to prevent possible violence and secure public order. There is still hate speech and a lot of discrimination against LGBT and violent attacks from time to time. According to CSI, LGBT is not dangerous for any government, but it is a group which has a lot of support from Western governments.

Still, public LGBT pride events are unimaginable in the current situation, open LGBT persons experience severe restrictions in almost every aspect of their lives, including access to higher education, employment, political and social life. The discrimination practices are not open, the employers, schools and universities

## **Armenia: State actors, political situation vulnerable groups and citizenship**

---

use various convenient excuses to get rid of the unwanted employees and students. However, sometimes sexual orientation is explicitly mentioned as a reason of negative decision.

The recent escalation of the conflict with Azerbaijan and strengthening of the role of Armenian Apostolic Church has also had a negative impact on the LGBT community.

- **Meeting with the Committee to Protect Freedom of Expression (CPFE), Ashot Melikyan, Chairman, 11 April 2016**

### About the source

The Committee to Protect Freedom of Expression officially registered as an NGO on January 16th, 2003. Its main functions are monitoring the freedom of speech situation in Armenia, the development of independent media, tracing and responding to violations of journalists' rights. The outcomes of the monitoring were compiled and published as annual reports on the situation with freedom of speech in Armenia.

CPFE activities are directed to improve media legislation, to study the legislative and regulatory framework of the existing legislative acts in Armenia and develop recommendations, draft laws and suggestions, which will bring the existing legislation in line with the international standards and Armenia's international commitments.

The Committee to Protect Freedom of Expression is a member of the Armenian National Platform of the Eastern Partnership Civil Society Forum. CPFE is a member of the Partnership for Open Society Initiative which brings together more than 60 NGOs and civil society activists.

### Freedom of speech

CPFE is working with assessing the situation of freedom of speech and the rights of mass media in Armenia. The overall assessment is that the conditions for the media are "not very free". A reference to the assessment by Freedom House was made, in which the media in Armenia are assessed as non-free to semi-free. (The Freedom House evaluation includes an evaluation of the legislation, economy and political pressure and influence<sup>216</sup>).

### Media

#### TV

In the case of the TV broadcasting sector, the media are completely controlled by the government. Censorship is legally forbidden, but a concealed or shadow censorship can be observed by journalists. TV is acting in a non-free manor in fear of the consequences. The situation was aggravated in 2002, when a critical TV-channel, A 1+, was deprived of its license. A tender in which the TV channel gave its bid was biased according to political instructions. The license was revoked in order to promote the government's own channel. The A1+ channel has applied for a license more than 12 times since then, but none of these attempts have been successful, and competitors with much less experience have won instead. TV companies with licenses are either owned by persons affiliated with political parties, allied with the government or friends of politicians.

In 2012 a new situation occurred when some of the political parties withdrew from the government coalition. Elites from these parties owned TV stations, which remained in operation. The TV channel named *Yerkir Media* is affiliated with Armenian Revolutionary Federation *Dashnaksutyun*; *Kentron* is affiliated

---

<sup>216</sup> The latest report: <https://freedomhouse.org/report/freedom-press/2015/armenia>

with Prosperous Armenia and the TV channel *H3* is associated with the Rule of Law Party. Regarding *H3* the president of the Rule of Law Party bought the TV station called Yerevan and renamed it *H3*. The channel is only available in Yerevan. All other channels are basically loyal to the government, and the ruling Republican Party also established its own TV company, *Ararat*. Privately owned TV channels are not less pro-government, and in spite of multi-party TV channels, all channels praise the government. They may have some differing views, but they cannot be considered free as they all have a political agenda. Non-government TV channels know that if they should exceed the permitted dose of criticism, they may be subject to the same fate as the *A1+* channel.

TV is the number one source of information for the majority of the population in Armenia. In this connection, it should be considered that one third of the population is poor and TV channels are free of charge. In order to protect its privileged status the government will continue to have focus on the impact of the media.

### *Print Media*

Print media is in the worst condition as regards dependence. Newspapers are divided between the political and the economic power. The papers are distinctly segregated and serve the interests of either the rulers or the sponsors, not the general public. Almost all newspapers created their own online-version. Some of them were successful and because of this they not only maintained, but increased their audience. But most of the newspapers have not been very successful online. The newspapers have very little influence and are printed in a very small quantity. The most popular of them are printed in 3,-4,000 copies and have only a small impact. Generally, too few people buy local newspapers.

### *Social Media*

Social media in Armenia have developed extensively in recent years. Armenia has around 400,000 Face book users, who include the active and educated part of the population. Every fifth to sixth person in Armenia is a Face book user. People are sharing opinions on the net open and freely. Political powers in Armenia are also using the social media as a serious tool to establish opinions, and especially in connections with elections. Personal assistants of politicians are also posting information online every day.

In the present situation with the new incidents in Nagorno-Karabakh, social media is used as “a tool in the information war”. Rivals have established anti-Armenian webpages, and Armenians have also established webpages in Azerbaijan, according to the source.

Social media in Armenia are free, and there is no censorship online. An exception was made in connection with the official state of emergency declared in 2008, after the presidential elections and clashes between demonstrators and authorities. At that time a censorship was imposed, and 13 online media organisations were deprived of their domain. According to the source, this would not happen today. The authorities now work in their own manner and will be able to manipulate information in their own way, including paying people to influence the general public. The opposition is also doing its own PR. The source concluded that on the one side there is no online censorship, but on the other side the openness also means that some information placed online is not trustworthy.

### Situation of journalists

With regard to violations of rights for journalists, the organization referred to its 2014 annual report published on its web page. According to this report, in 2014 CPFE reported nine cases of physical violence against journalists (less by one compared with 2013), 43 facts of pressure on the media and their workers (less by 14 compared with 2013), and 13 cases of violation of the right to receive and impart information (up by three compared with 2013). In 2014, 22 new complaints relating to the activities of the media were declared admissible by different courts. Of them, 17 are cases of insult and defamation, three are copyright infringement cases, one is a case relating to disclosure of the source of information, and one is another case. The details of the cases are in the report.<sup>217</sup>

Last year (2015) was a hard year for journalists, in particular in connection with the ‘Electric Yerevan’ demonstrations in June. On the 23<sup>rd</sup> June 2015 the police dispersed the demonstrators. In this connection, 24 journalists and camera men were hunted down and received clear instructions on not to spread information on the event. However, there was already numerous evidence available on social media about how the police were beating up journalists and demolishing their equipment, even if they were showing their press cards as proof of working as a journalist. The police requested their digital memory cards, and if they refused they were arrested and apprehended by the police. 24 journalists and camera men were restrained in their work, and 13 of them became victims of brutal physical violence. The case has been reported to Special Investigative Service in the police, and the service has investigated the case for nine months now, but there is still not a single suspect or convict. CPFE would not be surprised if the case is closed without further investigation. Asked which consequences such cases could have for the police, CPFE replied that formally there could be an in-house warning to police officers who would then be assigned to other workplaces. None of the complaints raised about the police behaviour on 23 June 2015 has yet reached the court. The police enjoy impunity in such cases. In addition, it was clear that the reaction of the police on 23 June 2015 was in accordance with instructions from higher officials.

In connection with the Referendum on the new Constitution on 6 December 2015, journalists from the Armenian Branch of Radio Free Europe/Radio Liberty raised two cases. One case regarding documentation of voter bribes and other violations of the referendum, was raised and reached the court. At the voting sites in the constituencies some journalists had recorded videos of trusted persons who are representatives of the ruling party, distributing election bribes and violating the Law of Elections. The journalists raised a case at court complaining about bribing of voters. However, the case was rejected, as the person interviewed claimed he was paying back money to people who had lend him money, and that he was closing his debt to them on that day. There was an investigation into the case which the authorities found satisfactory, after which the case was closed. The other case regarded the authorities hampering the journalists’ work.

There have also been cases where journalists have been met with counter-filing of cases and accusations of defamation after the court’s dismissal of the journalists’ initial complaints.

---

<sup>217</sup> <http://khosq.am/en/reports/the-2014-annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia/>

### *Censorship and sensitive topics*

In general, working conditions for journalists are hard, as there is intolerance towards criticism and insufficient respect of freedom of speech. Journalists are working for business interests and not for their own interests or the people's interests. Payments of journalists are low and they are compelled to work in different places which impact the professional quality of their work. Self-censorship is a very serious problem. As media are divided by different political powers, journalists are compelled to comply with "the rules of the game" which limits the journalists and is far from their ethics and far from their personal beliefs. The consumers of the media have some expectations, and they have their preferences and know whom they can trust.

The brutal battery and serious physical violence used against journalists on 23 June 2015, as well as the clear instructions to prevent the spread of information, was unprecedented in Armenia. However, it is quite widespread for the police to confiscate cameras and delete journalists' photos and materials, if they cover critical events. Most often they will have their cameras back without any further actions.

Another example includes the journalist Ani Gervorgyan and the camera operator Sargis Gevorgyan. When they were covering a political event on 24 February 2012, in which members of the opposition party, Armenian National Congress, were trying to distribute leaflets for a demonstration and clashed with members of the youth wing of the Republican Party. They were forcefully detained by the police, while refusing to give their camera. At the police station both journalists were subjected to violence and their equipment was confiscated.

When they afterwards complained, the investigation of the case was rejected, and they did not receive any compensation. The case was appealed, but it was not accepted at the court of Armenia, and the case was later forwarded to ECtHR.

Ill-treatment of journalists by the authorities does not happen routinely, but if journalists want to cover extraordinary events it can happen.

The political parties of the opposition often criticise each other and counter provoke each other in various media. Discussions in Parliament may also be reported. However, if some members of Parliament, as for instance oligarchs, enter into some kind of obscure business involving criminal acts, these cases would rarely be reported. Corruption related topics are critical, especially if it includes details of corruption scandals and involves senior officials, but also more generally about the financial situation of politicians. Sensitive topics may also include the law enforcement agencies, and specifically in relation to their abuse of power.

Other sensitive topics include LGBT and religious minorities. These topics are sensitive issues to the general public, who are tolerant neither towards LGBT nor towards religious minorities. Journalists may face problems if they try to protect one of these groups. Journalists would most often limit themselves to topics which the general public prefer in order to avoid problems.

- **Meeting with the Helsinki Committee of Armenia, Avetik Ishkanyan, chairman, 6 April 2016**

### About the source

In 1995, Helsinki Committee of Armenia (HCA) was founded. Since the day it was founded Helsinki Committee of Armenia has been conducting an on-going monitoring of the human rights situation in Armenia with a special focus on total institutions, including penitentiaries, orphanages, army and hospitals, where conscientious objectors were in the alternative service.

From 2005 on, with the support of OSCE/ODIHR and then of the European Union and of Open Society Institute, HCA started to implement educational programs for members of non-governmental organizations from the provinces of Armenia as well as for young leaders that are not involved in the third sector. Due to the individuals that went through the consecutive stages of those programs, HCA is able to conduct human rights monitoring in the provinces of Armenia.

### State Actors:

According to the Helsinki Committee of Armenia, there is no real separation of power and independent judiciary in Armenia.

Article 49 of former Constitution of the Republic of Armenia defines: “The president of the Republic of Armenia is the head of state. The president of the Republic upholds the Constitution and ensures regular functioning of legislative, executive and judicial powers.”

The president was not only the one to appoint the Prime Minister and all the ministers proposed by the latter, but also to make direct appointments to Defence Minister and his/her deputies, heads and deputies of the Police, National Security Service, Investigation Committee, Special Investigation Committee; attorney general to be appointed by the Parliament was his nominee, as well as from candidates for attorneys offered by the Justice Board he was appointing the ones he preferred.

Anyhow, in the history of already 25 years of independence not a single precedent is known; opposite examples are numerous though. Under these circumstances a situation is unfolded in Armenia, where a person is protected not by law, but by his/her official position and financial means, largely coinciding, as the majority of MPs and ministers are big businessmen. This situation has originated an atmosphere of impunity or selective justice.

Armenia’s well-known officials or their sons and relatives periodically appear in miscellaneous criminal scandals, and, as a rule, are not punished or their punishment bears just a formal character.

Thus, amid absence of power separation, human right violations in Armenia bear a systemic nature.

### The National Police of Armenia

If victims of a private conflict with a political or economic powerful person approach the police in order to seek protection from an influential person, the police neither can nor will help. According to HCA the case handling of the RA Police will be ineffective and unsuccessful. However, it is the assessment of HCA that victims will not be persecuted by the police in this process. If for instance a person’s land has been confiscated by the authorities, there would either be no or at best very little compensation. Citizens can do

very little, if an oligarch is involved in a case, if for instance a big businessman is planning to build on land which belongs to an ordinary citizen. The case of Manvel Grigorian was mentioned as an example of this (see below). Another example mentioned was the governor of Syunik and oligarch whose son had beaten up two brothers. Powerful people and relatives of them are above the law. Ordinary people are not protected by the law in such cases.

On the question of which repercussions there would be to victims, who raise their cases at the ECHR, HCA answered that the authorities (it could be police, investigation bodies, etc.) could often put pressure on victims by saying that their conditions could worsen if they complain. HCA mentioned that, for instance, if prisoners complained to the ECHR regarding the conditions, that being 25 prisoners in an eight persons' cell, only two of the prisoners would actually go forward with the complaint, since the rest of the prisoners would be afraid that the conditions would worsen.

### **The Special Investigation Service**

According to HCA the body of the Special Investigation Service, SIS, is supposed to be independent. However, in the early years the office did not open any case against the police at all. Now the office at least opens preliminary investigations against the police. But every time the result is that after a couple of months the case will be closed on the grounds that there were no reasons to prosecute. According to HCA, if an officer from SIS takes initiative to raise a case against an official, he will be dismissed. The reason for this is that the overall problem in Armenia is corruption at all levels.

### **The Prosecutor General's Office**

As is the case with access to the Armenian National Police, according to HCA, a citizen would have no real possibilities to seek protection at the judiciary.

Victims of unjust treatment, whether they belong to vulnerable groups or are ordinary citizens, have the theoretical possibility to seek redress. However, they may expect that the process will be very long and the result often ineffective.

After the demonstrations against a rise in the electricity prices last summer (Electric Yerevan, 2015), HCA has had seven cases concerning journalists, which have been in the ECHR. The overall assumption is that other legal bodies in Armenia are ineffective and under political influence.

HCA described how powerful people generally are above the law. Because of the widespread corruption, people are not protected by the law, but by their influence. For example, this can be seen in the Syunik province where the governor, Suren Khachatryan is so powerful that his sons can beat or injure (one of his sons was suspected of murder), whoever they want without facing punishment from the authorities. Suren Khachatryan was forced to resign as governor in 2013 due to public pressure, but was reappointed in 2014 by the Prime Minister. Another example is the son of General Manvel Grigoryan, who is the mayor in the city of Edzmiatsin.

People without connections can only be protected, if civil society activists or the local community reacts.

HCA stated that the judiciary and other major state institutions which formally are supposed to be independent really are not. The problem lies in the fact that the institutions are dependent on the president, especially when it comes to appointment of major figures in the institutions. People can file

cases before all levels of the court, including the Court of Cassation, but the only option to get a fair trial is to go to the ECtHR. In the Electric Yerevan demonstrations in 2015 more than 200 people were detained and 17 persons had decided to file a claim before the ECHR.

### **The Ombudsman**

HCA claimed that the Armenian society in general does not know what the role and responsibilities of the Ombudsman are and what he can do.

HCA found that the Ombudsman's Office has minimum effect on the police and the judiciary of Armenia and especially if there is a political interest in a case, there would be no impact.

Nevertheless public opinion is very important and that is why the Ombudsman needs to make critical recommendations. If he does not he will lose the citizens' belief in the institution. On the other hand, when the Ombudsman makes critical recommendations towards the authorities, he will lose his power and be forced to resign.

The Ombudsman's Office stands out as more or less independent in contrary to the rest of the judiciary, which is tormented by corruption. The Ombudsman's office is considered independent, but it is not completely separated from the structure of power in Armenia. The selected candidates all come from the authorities. The lack of independence is shown in situations, when the Ombudsman criticises the structures of power in the country, e.g. in the annual reports. In 2013 and in 2015 when the Ombudsmen published the yearly reports with severe criticism of the human rights situation in Armenia, the ruling elite of Armenia began to put a powerful pressure on the Ombudsman, which in both cases resulted in the resignation of the Ombudsman.

Regarding the access to the Ombudsman, HCA stated that the former Ombudsman had set up a quick response team and a hotline. The team would go to prisons and detention facilities and the team had some access to the citizens. HCA does not have any experience with the present Ombudsman and do not think that the society knows the Ombudsman. Often they think he is just another court.

### **The Constitutional Court**

According to HCA, the Constitutional Court of Armenia stands out as one of two independent state bodies in Armenia. However, as is the case with the office of the Ombudsman, the Constitutional Court is only independent to a certain extent due to the fact that the leading officials all come from state institutions.

### **Citizenship**

#### *Mixed marriages*

In general HCA explained that there were several cases of falsified documents in relation to mixed marriages with Armenian and Azerbaijani couples. It was not unusual that there were mixed Armenian-Azerbaijani marriages during the Soviet times, but after the fall of the Soviet Union and the war in Nagorno-Karabakh there were very few marriages. Such a marriage would now cause problems both in Armenia and in Azerbaijan. The problem would not be the law, but the implications in practice would be difficult both in form of acceptance of the authorities and the society itself. It would not be a problem if the couples lived in Russia.

A mixed marriage with a spouse of any other nationality is not a problem.

### Political Situation

According to HCA, Armenia is and has been for many years a presidential republic with a very strong vertical power. The chairman of HCA, Avetik Ishkanyan, stated that the president decides over the police, the National Security Service, the Special Investigation Service, the General Prosecutor and the courts. All candidates for judges are approved by the president. Therefore no judge will ever make a verdict against the President. Every state and local institution is dependent on the president.

There have not been any real elections in Armenia that were conducted in a normal and fair manner since 1995. According to HCA, the president has so strong executive powers that he will decide who is elected to the National Assembly of Armenia.

In a normal country political parties develop their strength, character and structures through participation in elections. But this is not the case in Armenia where relations between political parties and business interest are strongly interconnected. This is shown in the fact that many ministers in the government and deputies in the National Assembly are representatives of commercial companies.

According to HCA, there are more than 70 political parties in Armenia. However many of them are so-called one-person parties that depend on one person or simply consist of one person. Some of these parties may have as much as 2,000-3,000 members, but they still are dependent on one person.

According to HCA, it is only the Armenia Revolutionary Federation that does not depend on one person and hence could be considered as a traditional political party.

The ruling party – The Republican Party of Armenia – was formed in 1989 being inspired by the dissident underground party the National United Party. The party today is simply a so-called "party of power". This means that the foundation of the party depends on whether the party is in government or not.

Other political parties in Armenia are weak, mainly due to poor financing of the parties. The only real possibility to finance other political parties except the Republican Party is in agreement with the ruling elite or in a secretive way.

According to HCA, many of the political parties can act as opposition in one period of time and then quickly shift to support the government. The attractiveness of being aligned with the government, better financing, minister posts and general lack of ideology seems to influence the political parties' pro- vs. anti-government orientation. This has happened with the party Orinats Yerkir known as the Rule of Law Party. The Armenian Revolutionary Federation began in February 2016 to support the government in exchange for minister posts.

The political spectrum in Armenia is not traditionally divided in right-left wings as in European democracies. There are left wing parties in the name and party program, however, operationally they are not left winged. Almost all parties state that their political orientation is liberal. Trade Unions are weak and not independent. According to HCA, the primary focus of most political parties represented in the National Assembly is to look for entries into the promised land of government coalition.

In order to understand the political system of Armenia HCA points to the modern history of the country. In the 1996 presidential elections the candidate Levon Ter-Petrosyan won the election with falsified voting. According to HCA the opposition really won the election. After the elections the opposition was persecuted by the authorities, prominent members of opposition were sentenced to prison. In 1998 Karen Demirchyan, a former leader from the communist time, became the leader of the opposition. In 1999 when he was in front in polls, he was killed in a terrorist attack in the National Assembly. When the circles of power shifted in 2008 and former president Levon Ter-Petrosyan was part of the opposition, he again was persecuted by the new authorities.

### **Conditions for political opponents**

In 2015 when the opposition leader and prominent businessman Gagik Tsarukyan disagreed with the president in the referendum of a new constitution, the president attacked Tsarukyan and literally destroyed the opposition party, Prosperous Armenia. In order to avoid prosecution for tax evasion and other financial crimes Tsarukyan left politics, leaving the political opposition in the National Assembly in ruins.

The development has had the consequence that few people can see a perspective in being part of the opposition at all.

This has resulted in extra-parliamentarian political parties with more radical agendas. One of these parties is the New Armenia Party. Its former name was Parliament Foundation. The leaders of the party do not believe that change can happen with traditional democratic means, thus calling for a revolution that must result in the overthrow of the present political regime. Leading members of the party are subject to persecution. One of the founding members – Gevorg Safaryan – is currently in a lengthy pre-trial detention and is according to HCA a political prisoner. Few years ago this party had around 2,000-3,000 supporters, but now its base consists of 200-300.

When asked under which conditions the opposition acts, HCA replied that if parties become strong, the government will feel threatened and political opponents may be at risk of persecution. The more unknown the party is the more secure the members are and the more powerful they can act. However, if a party gets support from the people, the government will be afraid to lose its power and the risk of persecution increases.

### **Civil Society/NGOs**

In general Non-Governmental Organisations (NGOs) are not at risk of persecution in Armenia. Critical NGOs such as HCA can express their opinion without risking persecution or serious harassment. The present Armenian regime is not a dictatorship. NGOs can operate freely in the Armenian society.

However, there are two limiting factors in their activities: It is unpredictable how the ruling elite will react if there is a real threat of potential loss of power and privileges. That could possibly constitute a danger for the groups that threaten the power circles. A second sensitive topic for NGOs to touch is relations within the economic elite and their interests. NGOs would face different kind of hardships if they focus on certain themes where the country's financial elite have interests. These themes could be the ecological threat of the country's mines or other economic monopolies.

NGOs and civil society activists can have an impact when they focus on specific topics such as devastation of green areas or historical buildings or consumer prices. A good example of successful movements is in 2012 when civil society activists gathered to protest against the demolition of the Mashtots Park in central Yerevan, resulting in the preservation of the park. Other examples are when activists protested against increased prices of public transport in 2013 and during the big demonstrations in the summer of 2015 in Yerevan against hikes in the electricity prices, they successfully changed government policies and prevented prices hikes.

### **Freedom of Assembly**

Even though there is no genuine democracy, fair elections and independent state bodies, Armenia is not a totalitarian state. According to HCA, Armenia enjoys the right to assemble, but with some limitations. If a demonstration is conducted without permit or if the demonstrators block the roads, the demonstration will be dissolved by the police, and sometimes this will be justified. It is possible to assemble and demand various changes etc. The police will generally not interfere. If you strongly criticise or curse the president you will, however, probably be beaten up by unknown assailants supporting the president.

But if the government starts fearing a strong opposition that threatens the present regime and its privileges, persecution and restrictions will eventually happen, according to HCA.

Freedom of assembly in Armenia is accompanied with some problems. The Police of Armenia are in practice free to use excessive force to disperse demonstrations, when they see the need without legal repercussions, because no official from the police will be punished.

### **Freedom of Speech**

#### *Media*

The most popular media in Armenia is the television which is the most common source of information for the population. The law on TV-stations is not executed in respect of diverse opinions. The licenses of TV-stations are determined in the National Commission on TV and Radio of Armenia. According to the law political parties cannot own TV-stations, but it is common knowledge in the Armenian society that the main TV-stations are affiliated with political parties. Diverse TV-stations such as the A1+ have been and are still discriminated when trying to receive nationwide broadcast rights. Furthermore the same Commission which decides broadcasting rights, in practice controls TV-stations. According to HCA this means that some people will never be invited to the TV-stations, apparently because their opinion is not in line with the official policies.

The market for newspapers is small and the outlets are dependent on commercial profits in advertising etc. Even though the law states that political parties cannot give money to or own newspapers, they are still under influence of commercial interests, and many newspapers are corrupted. HCA mentioned that some oligarchs deliberately give money to newspapers in order not to be mentioned in a negative article.

As regards the social media, the internet is without any political or economic influence and there is freedom of expression. The possibility for everyone to publish what they want is existing and used. The debate is indeed very active according to HCA.

### *The situation of journalists*

Some critical journalists have experienced direct targeting in order to prevent them to publish a critical story. HCA mentioned an example with the editor of the internet publication "Hetq" who was beaten by unknown assailants when he wrote his series of articles "The Minister and the Mining Sector," which revealed how Armenia's former Minister of Environmental Protection, Vardan Ayyazyan had allocated mines (mostly for gold and poly-metallic) to more than a dozen relatives, thus violating several laws. The focus on the article was on an influential businessman, who presently is deputy of the National Assembly.

Critical journalists are sometimes subject to violence both directly from the authorities and indirectly. A good example of a violent targeting of journalists happened during the demonstrations in June 2015 against hikes in electricity prices. Journalists were beaten by the police and recordings of police violence were deliberately deleted. In other cases journalists are targeted by unknown assailants. According to HCA it is not unusual that members of the ruling elite hire criminals to target journalists or other critical persons. According to HCA, journalists are not in general a vulnerable group, but it depends on the situation.

Regarding the prevalence of self-censorship among journalists, HCA stated that sexual minority groups are the most dominant theme where journalists and society in general exercise self-censorship.

### **Vulnerable groups**

According to HCA, the most vulnerable group in Armenia is sexual minority groups. The problem for sexual minorities is that the society has a dominant negative view towards them. The Armenian society is dominated by the Armenian Apostolic Church, which in accordance with the majority of the society promotes traditional, conservative views on especially family values. Even though the minority group is not a target of the police, they are still subjected to hate speech, discrimination in workplaces often leading to dismissals and in some cases they become victims of violence. An example was a pub (DIY bar in Yerevan) owned by a homosexual person, which was set on fire in May 2012. The victims have no possibility to seek protection at the police or in the legal system, because these systems fear the public opinion, if they help this minority group.

The situation has slightly improved. Now there are NGOs working with sexual minority rights and there is no longer any hate speech.

Another vulnerable group in the Armenian society is persons, who choose to abandon the Armenian Apostolic Church either to join another religion, or because they are atheists. These people are also subject to discrimination, hate speech and in extreme cases violence from the society. They too cannot seek protection from state actors, because the police and court systems will not touch their cases due to societal pressure. Often these people do not have the mental and financial resources to go to the courts. As an example was mentioned a case of a teacher, who did not belong to the Armenian Church, and who was dismissed from her school, because she refused to teach the history of the Armenian Church.

Only strong – often internationally – backed organisations such as the Jehovah's Witnesses' will try to solve their case in courts. In the case of Jehovah's Witnesses they tried all levels of the Armenian court system before going to the ECHR in order to be able to avoid military service and have alternative service – a system that is now functioning and is in general respected by the Armenian authorities.

- **Meeting with Hetq, Lianna Sayadyan, Deputy Editor 12 April 2016**

### About the source

Hetq online has been published in Yerevan since 2001 by the NGO called "Association of Investigative Journalists". In 2004 the organization re-registered under the name "Investigative Journalists NGO". Initially publishing content in Armenian, Hetq Online has also been publishing its articles and investigations in the English language since 2002.

Among its many achievements, Hetq online is the first publication in Armenia to adopt a Code of Ethics<sup>218</sup> and every journalist working with Hetq is obliged to follow the principles of this code. In 2004, the Investigative Journalists / Hetq Online received an award from the Armenian branch of Transparency International for its outstanding contribution to the struggle against corruption.

One peculiarity of Hetq online is that journalistic investigations are often conducted by teams — a new practice in Armenian journalism. These teams also work on investigative documentary films which are published on the Hetq website.

### Freedom of Speech

The overall picture of the situation in Armenia is that freedom of speech exists to the extent that you can write anything about anybody, when you will.

Business interests and politics are in general submerged. This is seen in the ownership of media companies and in the advertising sector.

#### TV

For the television, freedom of speech is not present. In general the issue of the real ownership of media companies is not transparent. The majority of the TV-stations are under control of family, friends and relatives of the RA President or oligarchs connected with the ruling party – The Republican Party. On paper it seems to be a normal ownership, but in practice the ruling elite and the presidential family are hiding their ownership behind different names.

There are two TV-stations that are controlled by oppositional political parties. However, there are limits on how much they can criticize the government and the president merely, because the criticism may affect their possibility to broadcast. In general TV-stations can be critical to the power circles of the government and the ruling party. But they exert immense self-censorship, when it comes to criticism of the RA President.

Advertising and commercials on TV are biased. Contents of advertisements and commercials often reflect the views of the owners. Advertising and commercial companies – a lucrative source of income – is under the control of the ruling elite. Hetq pointed at the company that have monopoly in designing and broadcasting TV-commercials which is a joint Armenian-Ukrainian company.

---

<sup>218</sup> <http://hetq.am/eng/about/code-of-ethics/>

### *Newspapers*

Armenian newspapers are polarized, but not in a pluralistic way. The circulation of newspapers is small, why the income and impact are low. Newspapers and journals are therefore dependent on financial beneficiaries. Hetq has evidence that some printed media belong to members of the ruling party, others to oppositional parties or leaders. These newspapers have almost no commercials and a small number of subscribers, which would normally not be enough to sustain the editing, but they still exist and express pro-government point of views.

### *Internet*

The internet media are developing. The variety and debate are developed and versatile. There is no censorship and no restrictions. However, there is clear evidence that the ruling elite is struggling to control the public debate. The government is investing huge amounts of money in websites that participates in the public debate. Furthermore they are trying to manipulate the public opinion.

The situation of small independent internet media is constraint. On the one side they are able to express their views even though they differ from the mainstream, pro-government opinion. On the other side they are often only able to sustain their independence through external (international) funding and support from friendly readers etc.

### **The situation for journalists**

No journalists have been imprisoned or murdered in Armenia for doing their work. However, it is noticeable that violence against journalists becomes prevalent just before, during and after election campaigns. During elections journalists are being obstructed in their work, equipment, incl. cameras or the recordings are being destroyed. Threats to terminate their opportunity to broadcast are also given.

When journalists complain to the police, the result is most often that nothing happens. Only in very few obvious cases, it may result in an in-house investigation and the police will use internal disciplinary measures against certain officials, i.e. degradation. But as a general rule the authorities do not prosecute cases of violence or hampering of journalists' work, as they claim it does not have the composition of a crime. There have been some cases of assaults of journalists, but the cases never reached the court. If a case comes to court the case is also often rejected by the judges. There are some lawyers who are recording cases against journalists and who submit the cases before the ECtHR with a claim that these cases are not investigated and intentionally closed. At the Referendum of a new Constitution in December 2015 there were numerous cases but only two cases reached the court. When the police on 23 June 2015 tried to disperse the demonstrations against hikes in electric prices, 13 journalists and camera men were deliberately violently targeted and their work was hampered and 11 were detained, even though they clearly stated that they were media workers and showed their press accreditation. This case is still pending. Another case is the journalist Ani Gevorgyan, who in two incidents during 2014 was obstructed and violently targeted by the police while covering news events. Her case was not investigated and dismissed by the Armenian courts why she had her case tried at the European Court of Human Rights that accepted her case in December 2015.

### Sensitive topics

Self-censorship on the internet is prevalent in many cases. Often it is taboo for a journalist to criticise the owners of his workplace.

Some social topics, as the role of the Armenian Apostolic Church and the Army, were sensitive years ago, but now it is open. There have for instance been reported on child molestation among the clergy. With the internet such information cannot be hidden, and it will always appear somewhere on the net.

Even though the Armenian society in general is not positive towards the issue of LGBT, this does not reflect in the situation on the internet. The LGBT-community has their own websites often driven by NGOs that represent their position. They can be subjected to hate speech also from more organised parties, such as the newspaper "*Iravunq*" that often reflects extremist views on the LGBT-community.

An online media as Hetq often gets the opposite reaction than expected when publishing critical reports and researches on for instance the present Nagorno-Karabakh situation and how the Ministry of Foreign Affairs is dealing with it. The critical, investigative journalists want to see some kind of feedback to their articles, but instead they are met with indifference and silence.

In 2008 the editor of Hetq was attacked by three people on the street after he published an article on the relations between ownership of some lucrative mines, and the former minister on Nature Protection whose family members were registered as owners of the mines. The police found one of the three assailants who were sentenced to five years in prison. The attacker was a very young boy who was a relative to the Minister. However, the court did not find the person behind the attack. The editors or staff of Hetq have not since been subjected to violence or faced any repercussions.

Asked whether it is the perception of Hetq that the Prosecutor General would initiate new cases after publications in the media, the interlocutor from Hetq replied that the Prosecutor General does open files of criminal cases, if a published article states a criminal offense has been committed. But the impression is that neither the Prosecutor General nor the police truly investigate these cases. Such cases are often closed after a couple of months, and in reality the process is a mere imitation of an investigation.

### Vulnerable groups

Replying to the question whether people engaged in mixed Armenian-Azerbaijani marriage could be considered a vulnerable group, Hetq confirmed that there are such marriages, but it was more common in the 1990's. There are not many mixed marriages anymore due to the political situation in both countries. Hetq has reports of Azerbaijani women who were engaged in marriage with Armenian men. These people live more or less peacefully in the villages of Nagorno-Karabakh.

Hetq pointed the attention to a big group of people who were persecuted for their political opinion during the elections in 2008. According to Hetq a persecution of the opposition took place. The same scale cannot be applied to the present political scene. There is no mass persecution of the opposition today.

There are in fact very few cases of political persecution. Hetq mentioned two such cases: 1) Shant Haroutuynyan<sup>219</sup>, who was arrested in 2013 during an attempt to walk to the presidential palace and start a “revolution” and 2) Gevorg Safaryan, a political activist from New Armenia.<sup>220</sup>

---

<sup>219</sup> Human Rights Watch, *World Report 2015 - Armenia*, 29 January 2015, available at: <http://www.refworld.org/docid/54cf83c515.html>;

<sup>220</sup> Human Rights Watch, *Armenia: Opposition Activist Jailed*, 8 January 2016, available at: <http://www.refworld.org/docid/56956ebf15ae.html>

- **Meeting with Public Information and Need of Knowledge NGO (PINK Armenia), Nvard Margaryan, Chairperson, and Nikolay Hovhannisyan, Project Coordinator, 13 April 2016**

**About the source**

The organisation was established in 2007, initially to work with prevention of HIV/AIDS and sexual transmitted diseases. In 2008 the organisation received funding from the Global Fund and worked with the Ministry of Health to combat sexual transmitted diseases. Human Rights were added to the programme in 2009. The organisation presently has 12 paid staff members, 10 local and two international volunteers and receives funding from various international donors (no Armenian donors). The founders of the organisation are all part of the LGBT community in Armenia. Presently, the organisation is running projects aimed at LGBT empowerment, which includes the provision of services from professional lawyers, advocacy for changes in the legal framework to promote equality and anti-discrimination, and mobilisation of the LGBT community in Armenia.

**Under which conditions does the organization undertake LGBT activities?**

The office building of PINK Armenia is also a meeting point for the LGBT community. Every day around 30-50 people come to the office as it is one of very few safe spaces in Armenia. Twice a week discussions and entertainment, as for instance movie screenings, are arranged. The organisation cooperates with partner NGO's who will provide a platform for the organisation to participate in various events.

The organisation has only one office in Yerevan which is the only office in Armenia. The address of the office is not generally known – only to people in the LGBT community. Still homophobic groups approach the office with threats or harassment. Neighbours to the office are being approached in order to get them to complain about the office's existence.

When the organisation participates in activities outside Yerevan, it is most often as part of a training seminar on human rights or social justice in general, arranged by one of their partner NGOs. PINK Armenia will sometimes be invited to talk about LGBT issues. The organisation tries to act as neutral as possible and will not start a discussion on LGBT issues right away but wait for the feedback from the audience to see how far they can go. The organisation has never had any serious problems in the regions as a result of such trainings, but sometimes their participation will be refused in the last moment.

The organisation participates in few public events a year and only if the safety and security is ensured, as for instance in conferences and seminars at the UN House in Yerevan. Public events are often arranged as "flash mobs" that are quickly organised and quickly ended.

The organisation does a lot of work relating to HIV awareness. There is a general lack of knowledge on HIV in Armenia. According to research approx. 60 % believe that the spread of HIV is related to homosexuals. There is free treatment in Armenia, and no problem in access to treatment neither for hetero- nor for homosexuals.

### In which context are LGBT persons targeted?

Around 2012 there were hate speeches and a pattern of hate crimes against LGBT persons in Armenia. Hate crimes were organised by ultra-nationalists groups who attacked LGBT persons and firebombed a gay-friendly bar “DIY”. The “Diversity march” in May 2012 was interpreted as a “gay parade” and also received hate speech and expressions of aggression on homophobic basis. After 2012, PINK Armenia has strengthened its security measures. In 2014 the level of hate speech against LGBT people increased, especially after Austria’s victory at the Eurovision Song Contest by Conchita Wurst. Politicians, including MP’s, were afterwards criticising Conchita’s performance and calling to fight against such phenomena.

If LGBT persons are open about their sexuality, they will be under constant threats and subject to violence and eventually emigrate. LGBT persons can only have a life in Armenia if they are not open about their sexuality. For that reason, many gay people marry into heterosexual marriages in order to avoid being targeted. Socially, lesbians are more accepted than gays and the attitude towards lesbians are less hard than towards gays. The most vulnerable group is the transgender group. Crossdressers are seen as being gay and hence targeted.

Ultra-nationalists are on the rise in Armenia. Especially in spring 2016 with the crisis in Nagorno-Karabakh, the expectation is that nationalist rhetoric will increase. Recently, in March 2016, - two staff members of PINK and three other LGBT persons were attacked in the street close to their office. The case was reported to the police and is still pending. The expectation is that police will not investigate the case, and most likely the case will close without further investigation.

After social and political events like elections, referendums or for instance during National Assembly’s discussions on the draft law on “Equal Rights and Equal Opportunities for Men and Women” in 2013, LGBT groups are often scapegoats for addressing discontent, as LGBT are portrayed as enemies of the country. In Armenia, all political parties in the National Assembly are right wing parties who do not support LGBT. However, there are youth activists of some political parties (Civil Contract, ANC and Heritage Party) that can support some LGBT issues.

PINK has no direct communication with politicians in Armenia on LGBT issues. The topic is taboo, and the organisation relies on international support. However, PINK found that there is hope for the younger generation, and that there may be a change in the attitude towards LGBT in future. Compared to five years ago the situation is improving, and LGBT issues are now more visible. LGBT groups receive some support from street activists and solidarity from feminists groups.

Asked about the limits of LGBT activities in Armenia, PINK answered that a Pride Parade could definitely not take place in Armenia, as it would be far too risky for the participants.

### Protection from state actors or other agencies?

There are no shelters for LGBT persons who need protection. The attitude of many families is not supportive, and LGBT persons may risk retaliation from their own families. People in Armenia are in general connected to their family for financial reasons. However, the LGBT community sticks together, and there are host families who can provide shelter, if needed.

On the question of whether the police will provide protection if the organisation calls for assistance, the representatives of PINK were not sure. On one hand, the police did provide support during the 'Diversity March' in May 2012, but on the other hand, the police are treating people badly if LGBT persons come to report a case. Some LGBT persons go and report cases, but others do not. People have been mocked by the police and treated badly. In addition, the person in question may not be sure that the police will not provide information on the case to his/her family.

There are also examples of people who wanted to report a hate crime, and who have had the case turned against themselves as a case of prostitution. This has happened if the victim of a hate crime was a transgender person. Some of these persons are sex workers, and transgender persons are in general the most vulnerable group, as they are also more visible. There are examples of transgender persons being beaten up in front of the Prosecutor General's office without anybody interfering. The Prosecutor's Office refused to deliver the video surveillance afterwards. In 2014, a transgender person was attacked and beaten by five people on Sakharov Square. The person said she called the police, but the police stated that she was a prostitute and should be fined for that. The actual report on physical abuse was never investigated.

In general, cases concerning LGBT persons do not go to court. LGBT persons do not want to promote cases, as they do not want to be disclosed. Anytime a case becomes public, there is a risk of retaliation from ultra-nationalists groups. There is no support from the Ombudsman, as he has no power to deal with this issue according to PINK. PINK assessed that bringing a matter before the Constitutional Court was not an option either.

Homosexuality is not forbidden in Armenia, but there is no law to protect LGBT persons if they are attacked. The absence of anti-discrimination legislation and any general policy to combat discrimination foster the improper investigation in crimes against LGBT people.

Furthermore, there is no public support for LGBT groups in Armenia. At hearings in the National Assembly on issues related to LGBT, Armenian politicians will deliver homophobic speeches, and there is no political will to change the situation. In the Eurasian Economic Union, anti-LGBT-laws have been passed. This type of law is still pending in Armenia, but the union is promoting traditional values supporting similar laws. During the 2015 changes of the RA Constitution same-sex marriages were banned by law. Previously there had been no mentioning of same-sex marriages in the RA Constitution.

However, last year (2015), PINK Armenian forwarded three cases to the European Court of Human Rights and they have all been accepted:

The first case – ***Oganezova vs. Armenia*** – is about the firebombing of DIY bar in Yerevan on May 8, 2012 and writings at the entrance of the bar with threats of retribution against the owner regarding her sexual orientation, and the fact that the bar was LGBT friendly. The crime has not been defined as a hate crime at Armenian Courts. The case has gone through all court instances in Armenia. ECHR has accepted the case, but the case has still not been communicated.

The second case is related to hate speech of public figures and politicians in connection with the firebombing of the DIY pub. The suspects in the attack were bailed out of jail by Artsvik Minasyan, a Member of Parliament, who represents the Armenian Revolutionary Federation (Dashnaktsutyun). In an interview on 18 May 2012, deputy speaker of the National Assembly Eduard Sharmazanov was quoted in relation to the incident: *“As an Armenian citizen and member of a national-conservative party, I find the rebellion of the two young Armenian people against the homosexuals, who have created a den of perversion in our country and have a goal of alienating the society from its moral values, completely right and justified. Those human rights defenders, who are trying to earn cheap dividends from this incident, I urge them first and foremost to protect the national and universal values.”*

The third case – ***Minasyan and others vs. Armenia*** – concerns an Armenian newspaper named “*Iravunk*”, which in 2014 published homophobic articles declaring LGBT persons ‘enemies of the state’. The Editor in Chief of the newspaper, who belongs to the Republican Party, had called on the Armenian society, encouraging the readers not to hire any LGBT persons in jobs. The newspaper published a ‘black list’ with names of 60 individuals with external links to their Facebook profiles, where the editor called upon readers to not greet these people or socialise with them, and to express zero tolerance towards them. As a consequence one teacher was fired from his/her job, and a lot of people has until now had a hard time finding jobs. The black list also included an Iranian citizen who was later called by the Iranian Embassy in Yerevan for questioning. He can now not return to Iran. Sixteen citizens mentioned in the list initiated a joint civil lawsuit against “*Iravunk Media*” on the basis of damage to honour and dignity. In October 2014 the case was dismissed by the court, and in April 2015 an appeals court rejected the appeal. The case is now pending at ECHR.

### Media

PINK has its own website and every fourth month PINK publishes a magazine on the website. There are some LGBT friendly journalists in Armenia that will publish articles regarding workshops and events bringing LGBT on the agenda. PINK staff also appears on talk shows, however not seldom are the representatives treated as enemies or foreign agents. The general opinion is that every LGBT person receives money from organisations abroad in order to convert the people of Armenia to homosexuality.

- **Meeting with Transparency International Anti-corruption Center, Varuzhan Hochtanyan, Executive Director, and Khachik Harutyunyan, Anti-corruption expert, 7 April 2016**

### About the source

In July 2000 the NGO was founded and named the Centre for Regional Development. Since October 2001 the organisation is the official accredited chapter of the Transparency International (TI), an international non-governmental organisation fighting corruption. After that and until February 2008 the name of the organisation was Centre for Regional Development/Transparency International (CRD/TI). In February 2008, the NGO was reregistered and renamed as Transparency International Anti-corruption Centre (TIAC).

Throughout 15 years of work, TIAC became the main watchdog NGO in Armenia in the field of good governance, and fight against corruption and in 2013 the Board of Directors of Transparency International (TI) global anticorruption movement has approved the confirmation of the status of Transparency International Anticorruption Centre as a fully accredited National Chapter of TI in Armenia. In 2013, the TI Board of Directors confirmed the accreditation of TIAC for the next three years. Currently the organisation is undergoing accreditation procedure for the next 3 years (2016-2019).

The goals of the organisation are to support effective anti-corruption policy and transparent and accountable governance; to support the holding of free, fair and transparent elections and the establishment of electoral institute; to promote reasonable, transparent and accountable public resource management, including the management of state and community property and financial resources; to foster democratic processes, including protection of human rights and public participation in the governance processes of the country.

### State actors

The Armenian chapter of Transparency International explained that according to the TI's Corruption Perception Index (CPI), the perception of corruption in Armenia is stable, and it shows that corruption is a serious problem in Armenia. It is the experience that the people's perception of the level of corruption correlates with the actual level of corruption in state institutions.

The courts are perceived to be among the three worst corrupt state institutions in Armenia together with Public Service and the Health System, according to the findings of the 2013 report of TI Global Corruption Barometer. The Armenian National Police is placed as number four on the list of most corrupt institutions according to the same barometer. According to Transparency International, the primary reason for the corruption in the Armenian Judiciary is the general lack of independence of the institutions. In the case of Armenian Police, as is the case with other state institutions, the corruption is systemic, as it starts from the bottom level and goes all the way to the highest management. Transparency International referred to the Armenian Ombudsman's 2013 Report that stated that managers at all levels have systemised the amount of money their subordinates must pay them every month.

In general both the police and the judiciary have no independence from the president and the political elite. Political influence is being used in both the judiciary and the police and bribery of top- and low-level officials is widespread. Armenia has one published name of a high-ranking public official in the so-called

“Panama-papers” that were published in the beginning of April 2016<sup>221</sup>. The head of department of the Mandatory Enforcement of Judicial Acts was named as an Armenian official who had sent money to off-shore accounts. According to Transparency International, corruption must be widespread when an official with such a position is involved.

The lack of independence at courts was illustrated by the case of Aleksandr Arzumanyan who was one of the leaders of Armenian opposition movement. He was supporting one of the leaders of the opposition, Levon Ter-Petrosyan, during the February 2008 presidential elections. Ter-Petrosyan and his team did not accept the results of the elections and, immediately after the elections; they started street protests against the government. On March 1, 2008 the police suppressed those protests using also lethal weapons, as a result of which 10 people were killed and more than 200 were wounded. Many leaders of this oppositional force were arrested and among them was Arzumanyan. In order to show that these arrested people were not political prisoners, the authorities fabricated cases against them on non-political grounds. In particular, Arzumanyan was accused of money laundering.

### Access to file a complaint

Access to file a complaint could be more difficult outside Yerevan as fighting corruption in the regions is more cumbersome. In a village or small city, everybody knows each other and if someone files a complaint to the law enforcement authorities, there may be a chance that the guilty person is related to the authorities or can manipulate the authorities through bribes.

### Special Investigation Service

TIAC has no specific knowledge about the independence and the effect of the Armenian Special Investigation Service. According to the organisation, there are three main problems with the legislation concerning the Special Investigation Service: Firstly, there is no clarity in the Criminal Procedure Code regarding the jurisdiction of the service. Secondly, the legislation concerning whistle-blowers is very weak. As an example, if you approach the police with a complaint, it can take up to three days before the criminal procedural status of the complainant is decided and during that period the person virtually is out of any protection granted by the legislation for persons who have status under the criminal procedure. People are only protected if they are granted a criminal procedural status (victim, witness etc.). This raises the issue of the risk of retaliation. Thirdly, there is no requirement in the legislation for being able to present evidence when filing a complaint regarding corruption, but on the other hand if no evidence can be presented to support the complaint, the plaintiff may be charged with filing a false report or with slander.

### The Ombudsman

The Ombudsman published a report in 2013 that was based on anonymous interviews. The report criticised the judiciary, and exposed how much a person will have to pay in court to have his/her case decided in his favour. But the report also revealed the ineffectiveness and lack of independence of the institution. When the report came, it was not properly accepted. The Ombudsman was criticised and after a while he resigned. He was the third Ombudsman. All former Ombudsmen in Armenia have left the office after raising

---

<sup>221</sup> According to Transparency International later (on 9 May 2016) all files of the Panama papers were made public, it appeared that there were 37 Armenian names (26 from Armenia and 11 from Diaspora), though only this guy was high-ranking public official among them.

criticism. In the case of the first Ombudsman, the president of Armenia did not appoint her for the second term, though, by law, he could re-appoint her. The second Ombudsman, after harsh criticism from the same president, found a job with the UN and left the country.

### **Constitutional Court**

The Constitutional Court is praised for the fact, that it sometimes makes good decisions, as the professional staff members are qualified. If the cases do not cover sensitive issues i.e. political issues, and if persons from the government are not involved, the decisions of the court may be proper. As an example in electoral disputes, none of the verdicts of the Constitutional Court were in favour of the opposition.

The access to the court is equal for all and it is not mandatory to hire a lawyer. But if you hire a good lawyer your chances to win the case is higher, which in practice limits access to resourceful persons.

The Constitutional Court can only take cases, when the constitutionality of the law or its provisions is being tested.

### **Citizenship**

On the question of the role of corruption in relation to the process of obtaining Armenian citizenship, Transparency International had no knowledge about any influence. TIAC recalled a case when the French citizen and ethnic Armenian Sarkis Hatcpanyan was denied citizenship due to his activities as a civil activist. On January 2013 he was finally granted Armenian citizenship, after 5 years of struggle. TIAC mentioned that since 2013 he has not been active in politics.

### **Political situation**

The elections in Armenia suffer from the prevalence of falsifications and vote bribing. It is not possible to change the government by democratic means. The political system is very centralized and built on a clan system and a politicisation of the economy. The political and economic elites are converged.

### **Freedom of expression**

According to Transparency International the freedom of expression of the media is being influenced by political and economic interests. The overwhelming majority of news media are private entities. In the case of printed media the advertising market and other financing opportunities are weak, and these media may have let persons pay for articles or pay for not publishing articles.

Regarding the situation of journalists, there were previously many insults targeting journalists and there were criminal cases against them for libel or insult. Now, after libel and insult were de-criminalized, public officials or tycoons are suing them for moral damage and demanding very large sums of compensation.

On the impact of investigative journalism, Transparency International referred to the case of former Prime Minister Tigran Sargsyan who had to resign in 2014 because of promoting an unpopular pension reform. The Constitutional Court ruled that many provisions of that legislation were unconstitutional. However, many journalists and experts claimed that his resignation was also connected with an off-shore scandal, in which he was also involved. Afterwards, he was appointed ambassador to the USA and now he is serving as Chairman of the Collegium of the Eurasian Economic Union. Often there is no consequence for state

officials whose misconduct has been exposed by journalists since state officials in Armenia enjoy a high level of impunity.

As of publicly known activists who criticise or jeopardise the existence of the government, TIAC stated, that they are not under some kind of protection. The authorities are simply being afraid of serious negative consequences in their relations with international organisations and foreign, mainly Western, embassies. Therefore they refrain to behave in the same way related to some publicly known activists. However, in the last two-three years and even now, there have been and still are well-known activists, who are either physically harassed (beaten) or are arrested on the grounds of resisting police. Regarding the citizens, generally, they will face either threats or physical harassment or problems in their workplace, but not criminal cases.

- **Meeting with Women Resource Centre, Lara Aharonian, Co-director, and Gohar Shahnazaryan, CO-director 8 April 2016**

### About the source

The Women's Resource Center Armenia (WRCA) was founded in 2003 by women from Armenia and the diaspora, and is the first resource center created in the post-soviet Armenia for young women. WRCA is working in the area of women's human rights, reproductive and sexual rights, sexual violence and women's role in the conflict resolution and peace building in the region of South Caucasus.

The organization is one of the initiator of "Women's Coalition for Peace" and "Young Women's Network of South Caucasus" and is cooperating with women's organization in Georgia, Abkhazia, Azerbaijan and South Ossetia. WRCA is working in the area of women's human rights, reproductive and sexual rights, sexual violence and women's role in the conflict resolution and peace building in the region of South Caucasus.

The organization is one of the initiator of "Women's Coalition for Peace" and "Young Women's Network of South Caucasus" and is cooperating with women's organization in Georgia, Abkhazia, Azerbaijan and South Ossetia. Since 2008 WRCA has started a hotline and peer-to-peer group for the girls and women- victims of sexual violence in Yerevan.

### Women

#### *The role of women in General*

Legally Armenia has developed gender equality, but the real rights remain in paper and are not implemented in practice. Armenia has adopted a National Action Plan to improve the situation for women and to combat violence, but the government does not work on the impact of the rights and is not monitoring the situation. Women have a very low representation in public and political life and women's representation in politics is only eight to nine percent, one of the lowest numbers in the region. Women are generally lower paid than men partly because women are working in the mid- to low-level positions even though the level of education of women and girls is more or less equal to the level of education for men and boys. This does not transfer into equal salaries and equal participation in the labour market. There seems to be no political will to change the situation. The laws are signed, but in reality there are no equal rights and the situation is degrading more and more.

#### *Targeting of women activities*

The law on Equal Rights and Equal Opportunities for Women and Men was passed in 2013 (when Armenia negotiated a possible Association Agreement with the EU). In the context of the negotiations of this agreement a Russian-inspired pro-family campaign was launched targeting the gender debate. As in many neighbouring countries a Parent Committee was formed in Armenia. This committee was heavily influenced by Russia and the head of the Armenian Parent Committee was an Armenian from Russia. The Committee was responsible for an online campaign against equal rights and LGBT rights.

Hate speeches were spread on the social media against women activists dealing with domestic violence. Also some women activists from the Women Resource Centre, WRCA, were at that time targeted with hate speech and threats by right-wing nationalistic groups who threatened to blow up the centre. The Women Resource Centre is one of the organisations working with women's rights which is visible and that is

probably the reason for being targeted. Photos of some WRCA members were shared on social media in 2013 when they were lobbying for the law on domestic violence. After 2013 the organisation changed their security procedures. They have also had incidents where angry husbands have come to the WRCA office to search for their wives.

The majority of people in Armenia are generally copying Russian values. In the capital and regions, women activists are considered “enemies of the nation” who will destroy the family. It is also believed that women organisations are promoting homosexuality and want to change the sexual orientation of young girls.

Many people in Armenia believe that Russia is an important ally to Armenia, both economically and politically. Most families have direct ties to Russia due to migrant workers and are manipulated to believe that Western values (represented by the EU) are detrimental to Armenian values and family concept. They believe that it is better to ally with the Russians who are stricter on these issues.

Over the last years the situation has improved in some areas, as for instance with regard to domestic violence women are voicing this issue more often and it is more visible now. The government does not want to use the word “gender”, but are talking about equal rights for “men” and “women”. The word “gender” has been removed from all official papers. There is a clear manipulation, which results in a fear towards the word “gender” and whoever uses it or promotes it.

### **Domestic violence**

Domestic violence is widespread in Armenia, but there is no law criminalising domestic violence. There have been no national campaign and no effort from the government to change the situation. There are seven NGOs in Armenia working in a coalition to prevent violence against women. This coalition was established four years ago. The organisations are also monitoring court cases and lobbying the initiatives to prevent domestic violence. They also published a first Femicide report, where they documented the killings of 30 women these past years due to domestic violence and the environment of impunity.

#### *Protection of victims*

There are two shelters for women who are victims of domestic violence in Armenia. The shelters are run by and financed by NGOs (the Women’s Support Centre and the Women’s Rights Centre). The shelters are both located in Yerevan. The two shelters can house altogether 15 women and their children. They are often full and women then have no other option than to rent a house. In seldom cases the woman has been referred to a shelter by the police. There have been cases where husbands of the victim were related to the government or to oligarchs. In one case, the NGOs assisted to woman to leave for Tbilisi in Georgia. There have also been cases where the police have leaked the women’s address to the husbands and the husbands have shown up at the shelter. However, the police are trying to be better in handling these situations now, and the situation has improved compared to ten years ago. Recently, there were two cases of women who were stabbed to death by their husbands. In both instances the women had previously reported their case to the police. The punishment given to the husbands were only three years in prison as it was seen as a passionate crime. However, if the woman kills the husband it is not seen as a passionate crime. Due to the lack of a law criminalising domestic violence, the authorities are not taking any action in such cases. There have been 30 cases of women killed by their husbands during the last four years.

### *Reporting and handling of cases by the authorities*

Cases of domestic violence are sometimes reported by the victim herself or by relatives of the victim to the NGOs, but not to the authorities. If women contact the police the response would often be that she should go home and “figure it out” with her husband. But in the regions the police officer would often know the husband why women would not go to the police.

Only in extreme cases, if the woman ends up in the hospital, because she is beaten up, may the case be reported to the authorities. If the women are reporting threats only, no steps will be taken by the authorities.

There is no legal base for referring cases of domestic violence to the authorities. In 2013 (when Armenia was negotiating with the EU), a law criminalising domestic violence was proposed, but it was not approved. Women organisations are at present lobbying for a new attempt to approve the law.

Women who report domestic violence are in a difficult situation. They may have their children taken away from them. According to WRCA, whoever taken the children first may keep them – even if the child is an infant. The strongest part almost always wins in these cases and it is most often the husband.

They may also risk retaliation from their families and husbands. Only in rare cases, the family will support the woman but otherwise it is considered a shame for the family. Women who report domestic violence may end up having nowhere to go. As families are living together in the same house, there will be no room for extra people, if the woman returns to her own family. The issue of inflicting shame on the family is also a factor.

The church condemns domestic violence, but does not provide any protection to the woman or any shelter for battered women.

The woman may report to the local mayor who is more powerful, but he will most probably only try to mediate in order to reconcile the husband and the wife.

Most often women do not report rape cases in Armenia. The investigation they would have to go through would all be led by men who will intimidate them. Women feel it could be a horrible experience for which reason they rarely report a case. The woman’s family would also try to hide it, as the family would feel it is a shame. Statutory rape cases are, however, reported.

Cases of domestic violence mostly come to the court if the woman is killed by her husband. In such cases, lawyers would discredit the woman by for instance indicating that she was promiscuous in her marriage. Nobody would ask the husband about the same thing.

Very little work has been done to train judges or prosecutors on gender issues. In addition, judges and prosecutors are easy to bribe, but the women do not have economic means to pay any bribes.

Regarding the impact of the Ombudsman in cases related to domestic violence, WRC found that the staff of the Ombudsman is supportive to the law on domestic violence. However, the Ombudsman is appointed by the government and does not have a lot of power. The organisation also referred to the 2013 special report of the Ombudsman which is pointing at bribery of judges as a general problem.

### Freedom of speech

All TV broadcasts are pro-government. It is difficult to get a message through that is not in accordance with the government's views. On-line news sites do some reporting on cases in the court relating to domestic violence. The coalition of NGOs working with domestic violence has its own website [www.womenofarmenia.org](http://www.womenofarmenia.org) and is on Facebook.

### Freedom of assembly

In general the people of Armenia are enjoying the right to free assembly. On 25 November 2015 a demonstration against violence on women was arranged. The demonstration experienced no problems. It is accepted to arrange protest marches. However, on March 8 a march was arranged and people carrying one poster with the rainbow flag came under attack. It is still dangerous to talk about LGBT-issues.

### LGBT

LGBT person are a vulnerable group in Armenia. They may be beaten up in the streets. Recently, one transgender woman and two LGBT activists were beaten up in the street near the WRC office. LGBT persons are also subject to hate speech. A member of the National Assembly from the ruling party who owns the media outlet called "Iravunq" has published Russian propaganda against LGBT persons. The same person is also closely linked to the Parents' Committee.

Also in social media, huge groups are spreading hate messages about LGBT.

### Religious Minorities

Jehovah's Witnesses and other Christian sects are vulnerable groups in Armenia.

They may be targeted if they go in the street and distribute materials. Teachers who belong to the Jehovah's Witnesses may lose their job if the school knows that they are Jehovah's Witnesses. Children of Jehovah's Witnesses are forced to participate in religious education and the history of the Armenian Apostolic Church in the school.