

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>195</b>
Land:	Armenien
Kilde:	U.S. Department of State.
Titel:	2011 Country Report on Human Rights Practices – Armenia
Udgivet:	24. maj 2012
Optaget på baggrundsmaterialet:	3. juli 2012

<b>Title</b>	2011 Country Reports on Human Rights Practices - Armenia
<b>Publisher</b>	United States Department of State
<b>Country</b>	Armenia
<b>Publication Date</b>	24 May 2012
<b>Cite as</b>	United States Department of State, <i>2011 Country Reports on Human Rights Practices - Armenia</i> , 24 May 2012, available at: <a href="http://www.unhcr.org/refworld/docid/4fc75abe41.html">http://www.unhcr.org/refworld/docid/4fc75abe41.html</a> [accessed 29 June 2012]
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## 2011 Country Reports on Human Rights Practices - Armenia

### EXECUTIVE SUMMARY

Armenia's constitution provides for a republic with an elected head of state and a unicameral legislature, the National Assembly. In 2008 Serzh Sargsian became president after a significantly flawed election. The ruling coalition, led by Sargsian's Republican Party of Armenia, continued to dominate the political system. Security forces reported to civilian authorities.

The most significant human rights problems were limitations on citizens' right to change their government, freedom of speech and press, and the independence of the judiciary. The government released the remaining six opposition members detained in connection with the 2008 clashes between security forces and protesters disputing the outcome of the 2008 presidential election. Since April 28 the government began permitting demonstrations and opposition rallies in previously restricted areas of the capital city, and all were held without incident, although demonstrators from outside of Yerevan at times were impeded in their attempts to travel to rallies. The media, in particular television, continued to lack diversity of political opinion and objective reporting. The government decriminalized libel and defamation but established high new civil fines that encouraged journalists and media outlets to practice self-censorship. The process used to switch from analog to digital television reduced media pluralism. Courts remained subject to political pressure from the executive branch, and judges operated in a judicial culture that expected courts to find the accused guilty in almost every case.

During the year suspicious deaths occurred in the military under noncombat conditions, while hazing and other mistreatment of conscripts by officers and fellow soldiers, and a lack of accountability for such actions, continued. Allegations of torture continued. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Police reportedly beat citizens during arrest and interrogation. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily due to their opposition political affiliations or political activities. Authorities and laws restricted religious freedom for certain groups. Corruption remained a problem, with authorities taking limited measures to curb it. Domestic violence remained a problem but largely went unreported to authorities. Human trafficking was a problem, but authorities made efforts to combat it. Persons with disabilities experienced discrimination in almost all areas of life. Lesbian, gay, bisexual, and transgender (LGBT) persons were subjected to societal abuse and discrimination by military and prison authorities. There were reports of forced labor. Workers' rights were limited and existing labor laws weakly enforced.

Although the government took some steps to punish officials in the security forces and elsewhere who committed abuses, some members of the security forces continued to commit human rights abuses with impunity while under the direction of civilian leadership. A government-issued report on the deaths of eight civilians and two police officers killed in the 2008 postelection violence did not identify the individuals responsible for the deaths and largely justified the police response.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. The government reported that during the year 15 military servicemen died under noncombat conditions, a decrease from 2010.

On June 29, soldier Tigran Hambardzumyan's mutilated body was discovered in a forest near a military unit based in Kapan. Military officials claimed Hambardzumyan had left the base the day before and committed suicide.

Authorities initiated an investigation into the death on suspicion of inducing suicide, but by the end of the year there were no defendants or suspects in the case. According to the parents, the place and circumstances under which their son's body was discovered did not match the official version, and no fingerprints were discovered on the razor blade Hambardzumyan allegedly used to commit suicide. According to official information the razor blade was found more than 50 feet away from the body. The parents claimed their son was killed by somebody from the officer corps, but their attempts to open a murder investigation were unsuccessful. At the end of the year, the investigation continued.

On June 15, the Court of Appeals affirmed the 2010 conviction of police officers Ashot Harutyunyan and Moris Hayrapetyan for inducing the April 2010 suicide of Vahan Khalafyan while he was in police custody. The court also affirmed the acquittal of officers Garik Davtyan and Gagik Ghazaryan, who had been charged with abuse of power in the case. The court applied the May 26 amnesty resolution, reducing the remaining part of Harutyunyan's eight-year sentence by one-third and cancelling Moris Hayrapetyan's suspended sentence.

On August 22, five defendants – Captain Hakob Manukyan, Senior Lieutenant Vahagn Hayrapetyan, and Privates Adibek Hovhannisyan, Haroutik Kirakosyan, and Mkhitar Mkhitaryan – went on trial for inducing the suicide of Lieutenant Artak Nazaryan in 2010. The Helsinki Association's review of the investigation alleged nearly 100 procedural and material violations, including destruction of the fingerprints on the weapon and of the cartridge case of the weapon. Nazaryan's family claimed that Nazaryan did not commit suicide and unsuccessfully appealed to initiate a new criminal case for murder. The defendants also denounced the conduct of the investigation and claimed to be innocent. In an interview with Radio Liberty on December 5, Manukyan's defense attorney claimed that the five defendants were scapegoats. The trial continued at the end of the year.

Human rights observers asserted that in a majority of reported incidents of hazing and deaths in the military, authorities presented a sanitized version of events and focused their follow-up investigations on reinforcing the initial versions. Observers claimed that the armed forces in most cases declined to punish those responsible.

In April President Sargsian called for a more energetic approach to the investigation of the deaths of eight civilians and two police officers killed in 2008 as a result of clashes between security forces and protesters disputing the results of the 2008 presidential election. The Special Investigative Service issued a report on December 23 on the status of the ongoing investigation. The report did not identify individuals responsible for the deaths and largely concluded that the police response was justified. Opposition and human rights figures strongly criticized the report.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. According to government sources, land mines that were placed along the border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict killed one and injured three military personnel.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

While the law prohibits such practices, members of the security forces continued to employ them regularly. Witnesses reported that police beat citizens during arrest and interrogation. Human rights nongovernmental organizations (NGOs) made similar allegations, but noted that most cases of police mistreatment were unreported due to fear of retaliation. According to human rights groups, many individuals transferred to prisons from police facilities alleged that police tortured, abused, or intimidated them while they were in police custody mainly to extort confessions. Most abuses reportedly took place in police stations, which were not subject to public monitoring, rather than prisons and police detention facilities, which were.

For example, on May 17, the Civil Society Institute called for fairness in the trial of Stepan Hovakimyan and Vahram Kerobyan, who claimed that they confessed to theft in a downtown Yerevan cinema only after police subjected them to repeated physical and psychological abuse. The Civil Society Institute asked for an independent investigation of the defendants' torture allegations and an end to the practice of basing cases on self-incriminatory confessions. According to his lawyer, Hovakimyan was illegally summoned to the police department of Yerevan's Kentron district several times and subjected to physical and psychological abuse in order to elicit a confession. Hovakimyan finally confessed after the police officers threatened to abuse him sexually and to "bring in" his girlfriend. According to the lawyer, the alleged victim of the larceny reported the crime only after Hovakimyan had confessed, and police were thus carrying out an investigation before a crime was reported. Observers reported that no credible investigation was conducted into the allegations of torture and the court disregarded Hovakimyan's statements that the confession was obtained under duress. The trial continued at year's end.

On June 21, the Public Monitoring Group of Police Detention Facilities (PMG) released its annual report covering 2010. The report noted that 175 of the 888 persons transferred from police stations to police detention facilities in the capital of Yerevan showed bruises and bodily injuries. The causes of the injuries were not identified, and no one was held responsible for them. The report described inadequate conditions for women and juveniles at police detention facilities. According to the PMG, the absence of female police officers in the police detention facilities resulted in violations of a number of rights of female arrestees, as well as some cases of degrading treatment.

In February the Office of the Human Rights Defender (the ombudsman's office) released its 2010 annual report. It stated that citizen complaints about illegal actions by police, including allegations of torture, continued to grow in comparison with previous years. The complaints mostly concerned citizens who claimed they had been summoned to police stations, detained there illegally, and subjected to inhuman treatment, including torture and beating. Complainants also alleged that police officers sought to extort confessions through violence, threats, and unlawful pretrial detention. According to the report, police routinely provided uninformative, formulaic responses to the ombudsman's inquiries about allegations of abuse. The report added that such an atmosphere of impunity contributed to the increase in such abuse.

Within the armed forces, substandard living conditions, corruption, and the impunity and lack of accountability of commanders continued to contribute to mistreatment and noncombat injuries. Although no reliable statistics on the prevalence of military hazing

were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed that corrupt officials controlled military units, while human rights monitors and the ombudsman reported that the government conscripted soldiers with serious disqualifying health conditions. According to official information, during the year courts convicted 248 military personnel of hazing and related violations and 27 additional trials were underway at year's end.

The ombudsman's 2010 annual report stated that the content of the complaints about military conscription were unchanged from those received in 2009. In general the applicants complained that medical examination commissions made incorrect assessments about recruits' fitness for military service, and immediate supervisors, commanders, and others used violence toward conscripts at the military units, and that military units failed to provide proper medical care to sick conscripts. On December 30, conscript Hayk Khachatryan died of complications from chicken pox. The family blamed the doctors of the military hospital for negligence and the commander of his unit, who disregarded Khachatryan's complaints and forced him to run more than six miles.

#### *Prison and Detention Center Conditions*

According to official data, the number of deaths in prisons during the year was 32, compared with 37 in 2010, with most deaths in both years listed as the result of illness and some from suicides. Human rights organizations attributed the deaths to overcrowding, the poor condition of the buildings, and negligence in providing healthcare to inmates. Human rights monitors and the ombudsman reported overcrowding, poor sanitary conditions, and inadequate medical care and meals at penitentiaries. Prisons were connected to local potable water supply networks but experienced occasional disruptions in service.

Although the number of inmates in prisons was reduced as a result of an amnesty adopted by the National Assembly on May 26, overcrowding remained a significant problem. There were no reports of steps to use alternative sentencing for nonviolent offenders or to improve recordkeeping. Prisons did not have ombudsmen.

Human rights activists and attorneys continued to voice concerns over the performance of the Commissions on Early Release and Release on Parole. The Chamber of Advocates, the country's bar association, protested the absence of strict criteria guiding the commissions' decision making and withdrew their representatives from the commissions in January. The absence of an appeal mechanism and the overrepresentation of law enforcement representatives on the commissions remained obstacles to due process.

The Civil Society Monitoring Board (CSMB) consisting of NGO representatives continued reporting to the Ministry of Justice on the deteriorating health of convicts whom they claimed remained in prison despite being qualified for early release. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act.

During the year, according to authorities, the average number of persons in penitentiaries was 4,812. This included an average of 393 pretrial detainees and 432 detainees whose cases were in progress or who were awaiting verdicts. Pretrial detainees were confined separately from convicts. The total capacity of all penitentiary institutions was 4,395 persons.

The average numbers of women and juveniles held in the Abovian penitentiary for women and juveniles during the year were 198 and 34, respectively. One of the 34 juvenile prisoners was female. There were no facilities for female juvenile convicts, mainly because juvenile girls were rarely convicted. When convicted they were held with adult women. Inmates were housed in large dormitories – with women housed separately from juvenile boys; according to domestic observers, this arrangement generated conditions that were worse than those observed at penitentiaries where inmates were confined in separate cells.

Overcrowding in police detention cells and the use of these cells as holding centers for pretrial detainees were described as significant problems in the PMG's 2010 report. By law pretrial detainees may not be held in police detention cells for more than three days, since cells are not equipped to offer detainees suitable conditions for longer-term incarceration. Outside of Yerevan pretrial detainees outnumbered arrestees in such cells by more than three to one – 3,500 of the former compared with 951 of the latter. In 2010, according to the report, there was a significant decline in the number of pretrial detainees held longer than three days. While the report covered police detention facilities, the PMG was not permitted to monitor police stations.

Human rights organizations and the ombudsman continued to raise concerns that convicts and detainees did not always have reasonable access to visitors and that even their minimal visitation entitlement was not always met because of overcrowded conditions and lack of suitable space. For example, the ombudsman's annual report stated that convicts in Yerevan's Kentron penitentiary met their relatives only for short visits due to the lack of suitable space for long-term (conjugal) visits and that even during the short-term visits an officer was present during the meetings.

According to the Helsinki Association and the Helsinki Citizens' Assembly-Vanadzor, authorities did not investigate credible allegations of inhumane conditions. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhumane conditions. By law censorship of the communications of pretrial detainees requires a court order. In practice, according to human rights organizations, there were numerous cases when prison administrators censored the letters of detainees without judicial oversight.

The Oversight Department of the Ministry of Justice was in charge of monitoring the implementation of the legal standards for penitentiaries, but domestic human rights NGOs asserted that these standards were not vigorously enforced because the Oversight Department did not have sufficient staff and resources to carry out this function effectively.

According to the Ministry of Justice during the year, there were no reports or complaints received on violence toward inmates.

Although the government generally permitted domestic and international human rights groups to monitor prison conditions, in March the Ministry of Justice prohibited the Helsinki Association's continued independent monitoring of penitentiaries after the NGO released a critical report on prison conditions. To justify its decision, the Ministry of Justice said the Helsinki Association's report caused "objective discontent among a number of convicted and detained persons, the prison administration and various layers of society." The International Committee of the Red Cross was permitted to visit both prisons and pretrial detention centers and did so in accordance with its usual practice. Authorities generally permitted CSMB personnel to visit prisons without advance notice.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention. Although the law requires adequate judicial review, judges were often reluctant to challenge prosecutors' requests to detain individuals or police conduct during arrests. Statutory law does not require that a person who is apprehended under authority of an arrest warrant be promptly brought before a judge for review of his detention. On the other hand, case law from the Cassation Court (the country's highest court for cases that are not related to constitutional issues) does require prompt judicial review. In practice authorities on occasion arrested and detained criminal suspects without reasonable suspicion. Authorities continued, albeit on a much reduced scale compared with previous years, to detain individuals who held political affiliations or engaged in activities perceived to be in opposition to the government.

#### *Role of the Police and Security Apparatus*

The national police are responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The president appoints the heads of both organizations. The police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent incidents of abuse. In contrast with previous years, however, law enforcement bodies began to conduct more credible investigations of allegations of abuses committed by their personnel, including abuses allegedly committed by high-ranking officials.

There was no dedicated independent mechanism for investigating police abuse, a deficiency noted by the Council of Europe. Citizens may sue police in court.

According to official information, during the year police conducted 35 internal investigations related to complaints and reports of official misconduct and brutality. Of these, police found 17 to be unsubstantiated, four inquires were suspended, and in the remaining cases police officers involved underwent disciplinary actions and received administrative fines and warnings, including one demotion in rank.

Although suspects have the legal right to file complaints before trial concerning abuses allegedly committed by law enforcement personnel during criminal investigations, they must obtain permission from police or the Prosecutor's Office to undergo the forensic medical examination necessary to substantiate an accusation of physical abuse. Human rights organizations continued to report that authorities rarely granted such permission or delayed it until a later date when physical signs of abuse were no longer visible. In addition, NGOs reported that judges routinely ignored defendants' claims that their testimony was coerced through physical abuse.

Police corruption continued to be a problem, and authorities took some measures to combat it, including the prosecution of some high-ranking officials (see section 4).

#### *Arrest Procedures and Treatment While in Detention*

By law an investigative body must either formally arrest or release an individual within three hours of taking him or her into custody. Within 72 hours the investigative body must release the arrested person or bring charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants. At times police summoned individuals and held them longer than three hours without a formal arrest on the pretext that they were material witnesses rather than suspects. Domestic observers contended police avoided labeling summoned persons as suspects to avoid the legal requirement to grant them the rights of suspects.

The law requires police to inform detainees of their rights to remain silent, to make a telephone call, and to representation by an attorney from the moment of arrest. Detainees must be provided with public defenders if they are indigent. In practice police often questioned and pressured detainees to confess to crimes prior to indictment and in the absence of legal counsel. The practice of detaining individuals as "material witnesses" before designating them as suspects subjected individuals to questioning without the benefit of a defense attorney. The UN Human Rights Council (UNHRC) Working Group criticized this practice. In addition, police sometimes restricted detainees' access to family members and attorneys.

According to the PMG's 2010 report, monitors reported numerous instances of persons being formally arrested only after being held from one to three days in police stations. Others were formally arrested within the required three-hour limit but were subsequently held in police stations for one to three days. The report indicated that the registries of police detention facilities noted only 238 occasions when the right to meet with an attorney had been exercised by the 5,339 persons held in such facilities during 2010, including multiple instances when the same person met with his attorney on several occasions. The law provides for a bail system, but in practice courts generally denied requests for bail and ordered that defendants remain in pretrial detention.

In some cases defendants were released on their own recognizance pending trial, with the requirement that they surrender their passports and sign statements promising not to leave the country or, in some cases, the city limits.

*Arbitrary Arrest:* The UNHRC Working Group on Arbitrary Detention noted in a report issued in February that police, National Security Service personnel, and border guards often detained or arrested individuals without an arrest warrant. Arrests were often not a consequence of a police investigation; rather, people were detained in order to be investigated. This was consistent with the common police practice of arresting persons at the beginning of an investigation in order to obtain a confession, making further investigation unnecessary.

On July 13, police officers took 14-year-old Yura Simonyan to the Shengavit police station in Yerevan. According to media and human rights organizations, Simonyan was a witness to an incident involving gunfire. On July 14, Simonyan's attorney made several unsuccessful attempts to reach her client, but police investigator Kamo Sharoyan repeatedly denied the attorney access. Police released Simonyan without charge on the evening of July 14. Simonyan said police officers beat him and forced him to admit he had seen the gun being fired.

*Pretrial Detention:* According to official information, during the year approximately 8 percent of the prison population consisted of pretrial detainees, and an additional 9 percent were detainees whose trials were in progress.

Although the law requires that decisions about detention be reasonable and that detention be used as a measure of last resort, attorneys and court observers complained that in practice detention was often approved routinely by courts with little consideration given to whether less restrictive alternatives might suffice to assure the orderly administration of justice. The overuse of detention applied also to juvenile offenders. There is no separate system of justice for dealing with juvenile offenders.

Lengthy pretrial or preventive detention remained a chronic problem. Although the law requires a well-reasoned justification for extending pretrial custody, judges routinely prolonged custody on unclear grounds. On the other hand, authorities generally respected the provision prohibiting pretrial detention beyond 12 months. The law does not establish any time limits on the detention of defendants once their cases are sent to court. According to the UNHRC's February report, prosecutors regularly requested and received trial postponements from judges, on the grounds that they require more time to prepare for trial. Postponements were used as an excuse to prolong investigations. On the other hand, prosecutors claimed that the responsibility for the postponement of trials belonged to the defense lawyers, because they usually argued the need for more time to prepare their defense.

*Amnesty:* In May the National Assembly, at the initiative of the president, declared a general amnesty. The last of the individuals detained in connection with the 2008 presidential election and postelection unrest were released (see section 1.e.). As a result of the amnesty, 602 convicts were released and over 800 prosecutions were terminated.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; in practice courts remained subject to political pressure from the executive branch as well as the self-imposed expectation that judges would find the accused guilty in almost every case. Although judicial corruption continued to exist, courtroom observers believed it occurred less frequently than in the past, in part because an increasing number of mid- to low-level government personnel charged with corruption made judges conscious that they might be at greater risk of disciplinary action than in the past. At the same time, the UNHRC reported that the government's fight against corruption also had negative implications for the independence of judges, who appeared to be ordering harsher penalties from fear of being seen as complicit in corruption.



One of the main impediments to a fair trial was the lack of an independent judiciary. Judges themselves lacked efficient legal remedies if the executive or legislative branch decided to punish them. In one case during the year, the president removed Judge Samvel Mnatsakanyan from the bench for granting a defendant's motion to be released on bail. The Council of Justice recommended Mnatsakanyan's dismissal because he allegedly failed to justify the defendant's release; the dismissal was ordered even though the prosecutor had not objected to bail and the defendant was ultimately acquitted.

In a second case during the year, the Cassation Court reportedly forced Judge Surik Ghazaryan to resign, and the government denied him his full pension, allegedly in retaliation for not consulting with the Cassation Court prior to his 2010 ruling in a high-profile case. The ruling (reversed at higher levels) followed the 2005 decision of the London Court of International Arbitration in favor of Moravel Investments LC and ordering OAO Yukos Oil Company to pay Moravel Investment more than \$655 million. Moravel filed suit in Armenia seeking the implementation of the arbitration decision and recovery of the assets of OAO Yukos Oil Company. Ghazaryan's appeals to reinstate his pension were pending at year's end.

The vulnerability of judges to dismissal for their decisions, combined with the absence of any effective remedy for such treatment, had a strong chilling effect on the judiciary. The Council of Justice may charge a judge with a miscarriage of justice even for a ruling that was never appealed to a higher court or in which the appellate courts found no errors. The decisions of the Council of Justice are not subject to further review. There were reports that the Cassation Court was directly involved in dictating the outcome of almost every case to lower court judges.

Authorities generally complied with court orders.

Trials usually met many of the procedural standards for fairness. They were often unfair in substance, however, because many judges felt compelled to work with prosecutors to achieve convictions. Judges were reluctant to challenge police experts or hold the prosecution accountable for meeting an appropriately high standard of guilt, thereby hampering the defendant's ability to mount a credible defense.

#### *Trial Procedures*

The law provides for the presumption of innocence, but in practice this right was violated. The law requires that most trials be public but permits exceptions, including in the interest of "morals," national security, and for the "protection of the private lives of the participants." Juries are not used, a single judge issues verdicts in trial courts (except for crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants have the right to counsel of their own choosing, and the government is required to provide them with defense counsel – a public defender – upon request. Outside of Yerevan this obligation was frequently not honored due to a shortage of defense lawyers.

By law defendants may confront witnesses, present evidence, and examine the government's case in advance of a trial, but in practice defendants and their attorneys had very little ability to challenge government witnesses. This was particularly prejudicial to defendants in challenging the evidence of police officers, who are prohibited by law from testifying in their official capacities unless they are a witness or a victim in a case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no ability to challenge the findings of these official reports, which courts generally considered to be unimpeachable. Judges controlled the "witness list," which designated the witnesses deemed to have evidence relevant to a criminal case, and defense attorneys complained that at times they were not allowed to call or obtain the attendance at trial of witnesses whom they believed to have evidence helpful to their client's defense. Defendants, prosecutors, and the injured party have the right of appeal and often

exercised it.

In its 2011 annual report, the Helsinki Association alleged that judges at times questioned the accused in a manner that appeared to assume their guilt and dismissed defense attorneys' motions without justification, limiting themselves to evidence and motions submitted by prosecutors. According to the Helsinki Association, judges at times prohibited independent observers from attending trials and rarely gave credence to defendants' allegations of torture.

As in the past, the vast majority of criminal cases sent to trial resulted in convictions. Although many weak cases resulted in convictions, the practice by police investigators of declining to forward weak cases to the courts may also have played a role in the high conviction rate. The acquittal rate during the year was 1.9 percent, compared with 0.9 percent in 2010.

#### *Political Prisoners and Detainees*

During the year authorities released the last six individuals incarcerated in connection with the 2008 presidential election and postelection unrest. Some were granted early release; others were released in the May amnesty.

On November 11, the first instance court of Malatia Sebastia sentenced Andranik Makvetsyan, a Jehovah's Witness, to six months in prison. Makvetsyan was immediately incarcerated. Initially Makvetsyan was investigated and tried on charges of battery, threats, and arrogation over an altercation with a priest of the Armenian Apostolic Church, Artak Artenyan, on a public walkway near the church. Makvetsyan was acquitted of these charges but convicted of preventing Artenyan's "right to preach" near a church and his "right to prevent" Makvetsyan from proselytizing. In an amicus curiae brief to the court of appeal, the Civil Society Institute argued that the trial court found Makvetsyan guilty of violating a right that does not exist in Armenia. The institute's brief also contended that the conviction unjustly interfered with Makvetsyan's right to express his personal beliefs and violated religious freedom. At year's end Makvetsyan remained incarcerated pending the outcome of his appeal.

#### *Regional Human Rights Court Decisions*

Citizens who exhausted domestic legal remedies could appeal to the European Court of Human Rights (ECHR) against alleged violations by the state of the European Convention on Human Rights. Dozens of appeals were pending before the court at year's end. During the year the ECHR issued judgments in three new cases involving the country and found violations of the convention by the state in two of the cases.

During the year the ECHR ruled in *Bayatyan v. Armenia* that the imprisonment of a plaintiff on account of his objection to military service was a violation of the European Convention on Human Rights. At year's end 58 people remained in prison for refusing to serve in the military or in the alternative service administered by the Ministry of Defense, citing reasons of conscience. The government paid the monetary judgment awarded by the ECHR to the plaintiff. According to the Ministry of Justice, the ECHR ruling was not applicable to those imprisoned for refusing alternative service, since there were no provisions for alternative service when Bayatyan was imprisoned.

The government generally complied with ECHR decisions.

#### *Civil Judicial Procedures and Remedies*

Although citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit by comparing their and their opponent's respective resources with which to influence the judge. Citizens also had access to the Office of the Ombudsman, as well as the

possibility of challenging the constitutionality of legislation in the Constitutional Court. The Constitutional Court exercised its power to determine the constitutionality of statutes in more than 40 cases during the year, but its decisions were unevenly enforced because lower courts report to the Cassation Court rather than the Constitutional Court.

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

Although the constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications, there were unconfirmed reports that the government at times violated these rights in practice and that law enforcement bodies tapped the telephone communications and e-mail correspondence of certain individuals whom the government wanted to keep under scrutiny, including human rights activists and the political opposition.

Law enforcement bodies may not wiretap a telephone, intercept correspondence, or conduct searches without obtaining permission by the judge. Law enforcement bodies generally adhered to the legal procedures, but attorneys claimed that judges, who should only authorize such actions after being presented with compelling evidence of criminal activity, granted permission arbitrarily, rendering the procedure largely a formality.

### **Section 2. Respect for Civil Liberties, Including:**

#### *Status of Freedom of Speech and Press*

The constitution provides for freedom of speech and press. In practice the government did not always uphold these rights. Instances of violence against journalists decreased, but free speech was limited by a surge of libel and defamation lawsuits in which members of the politically connected business elite were awarded large monetary damages against opposition newspapers and journalists. News outlets engaged in self-censorship from fear of punitive monetary judgments against them if they published information about the politically connected elite. The media, especially television broadcasters, continued to lack diversity of political opinion and objective reporting. The switchover process from analog to digital television broadcasts further restricted the number and diversity of channels on the air. The government did not release the audit of the country's television and radio frequencies that provided the technical basis for limiting the number of digital broadcasting licenses.

*Freedom of Press:* Most newspapers, with the exception of government-sponsored *Hayastani Hanrapetutyun* and its Russian-language version, *Respublika Armenii*, were privately owned. The print media published a wide range of viewpoints, although most publications tended to reflect the political leanings of their proprietors and financial backers. The political factions and business interests that sponsored these publications showed little interest in developing fair and balanced nationwide coverage. Only a handful of newspapers operated as efficient and self-sustaining enterprises.

Online Web sites were the country's most independent information sources. Social media, such as Facebook and YouTube, exerted a small but growing influence on social discourse.

Newspaper circulation remained limited, as did the audience for the country's 21 radio stations, three of which were public and two broadcast from abroad. All but three of the 82 television stations in operation during the year were privately owned; most were small broadcasters based in outlying regions. Four stations broadcast from abroad. Most stations were owned by politicians in the ruling party or politically connected businessmen and presented one-sided views of events. Regional television channels provided some alternative viewpoints, often via externally produced content.

*Violence and Harassment:* Media outlets, particularly broadcasters, feared reprisals for reporting that was critical of the government. These reprisals could include lawsuits,

the threat of losing a broadcast license, a selective tax investigation, or loss of revenue when advertisers learned an outlet was in disfavor with the government. This fear of retribution led to a high degree of media self-censorship.

*Censorship and Content Restrictions:* Gyumri-based GALA TV continued its legal disputes over broadcast rights. The station's initial difficulties began in late 2007 when GALA refused to restrict its content and continued to provide air to the opposition in advance of the 2008 presidential elections. On February 17, in response to a suit filed by the city of Gyumri against GALA over the station's use of a disputed television tower that the city hall claimed to be its property, the trial court ordered GALA to remove its transmitter-antenna and cable from the tower. Both the court of appeals and the Cassation Court upheld the decision. Following the ruling, GALA asked the Ministry of Transport and Communication to permit the transfer of its antenna and equipment to the central television tower in Gyumri. In contrast with similar requests in the past, the ministry offered to do so under acceptable terms, and on October 25, GALA moved its equipment and started transmission from the central tower with minimal disruptions to its programming. Gala continued to experience problems securing advertisers, who GALA alleged were under government pressure not to patronize the station.

On October 3, the Administrative Court rejected an appeal by the independent A1Plus television news outlet of the denial by the National Commission on Television and Radio of its application for a broadcast license. This was the 13th unsuccessful bid for a frequency by A1Plus since it was forced off the air in 2002. According to A1Plus, it appealed after it reviewed the successful application of its competitor for the license and found a number of inconsistencies and falsifications. It claimed that the commission committed procedural violations in rejecting its application. A1Plus continued to maintain an active Internet presence.

A September 9 resolution by the Parliamentary Assembly of the Council of Europe addressed the A1Plus case, among other issues. It noted that "the outcome of the December 2010 licensing tender has not resulted in a more pluralist media environment," and that the "the authorities – in this case, the National Commission on TV and Radio – rejected the bid from A1Plus, while being fully aware about its significance, on what would seem to be purely technical/administrative arguments."

*Libel Laws/National Security:* The repeal of criminal penalties for libel in 2010 was initially welcomed by many media and human rights observers. However, since the same law set a relatively high ceiling for monetary damages that could be awarded by courts in civil libel cases, it contributed to a chilled media environment in which outlets had to weigh the candor of their reporting against the prospect that they could become targets for retaliatory lawsuits that would force them out of business. Following several court decisions ordering newspapers to pay high fines, authorities complied with the ombudsman's call for a Council on Information Disputes. The council, with the participation of lawyers and journalists, examined libel cases that had been tried during the year and produced expert opinions on individual cases, which were published in the media as well as sent to courts and related organizations. In one case a court took into consideration a report published by the council during a hearing.

On November 15, the Constitutional Court, responding to an appeal by the ombudsman, confirmed the constitutionality of the 2010 law. At the same time, the court recommended that lower courts not hold media outlets liable for their critical assessment of facts or, when they were convicted, order them to pay disproportionately heavy fines.

In April former president Robert Kocharian sued the *Hraparak* newspaper for six million drams (\$15,584) following its publication in February of an article that referred to him as "bloodthirsty." The court agreed to a temporary freeze of the newspaper's assets. The case remained pending at the end of the year.

#### *Internet Freedom*

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

#### *Academic Freedom and Cultural Events*

There were no reports of government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### *Freedom of Assembly*

The constitution and the law provide for freedom of assembly, but the government occasionally restricted this. In April the National Assembly passed a new law on freedom of assembly. International experts, who reviewed an earlier draft of the law, including the Council of Europe's Venice Commission and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), judged it an improvement over the existing law. After its enactment, however, local and OSCE experts expressed concern that the manner and speed of its adoption was an apparent violation of National Assembly procedures and that the final version of the law contained blanket restrictions that gave state bodies excessive power to obstruct. One of most troublesome provisions allows state bodies to prohibit an assembly if it is held "at such a distance from the Presidency, National Assembly, government buildings, courts, or penitentiary institutions that threatens their natural activity." Since the law does not specify a distance, in practice authorities could use this provision to obstruct routine protests.

On at least two occasions early in the year authorities refused to accept notifications by the opposition Armenian National Congress seeking to hold demonstrations in Freedom Square. On March 17, authorities permitted a spontaneous demonstration to enter Freedom Square. Beginning on April 28, after the parliament approved the new law on freedom of assembly, the government began formally permitting demonstrations and opposition rallies in previously restricted areas of the capital city, and all were held without incident, although demonstrators from outside of Yerevan at times were impeded in their attempts to travel to rallies.

#### *Freedom of Association*

The constitution provides for freedom of association, and the government generally respected it in practice. Nevertheless registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law gives citizens the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

### **c. Freedom of Religion**

See the Department of State's [2010 International Religious Freedom Report](#).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. In practice there were some reports of limited restrictions connected with travel to political rallies. Authorities cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees and asylum seekers, stateless persons, and other persons of concern.

*In-country Movement:* During the year there were reports that authorities restricted

freedom of movement by preventing citizens residing outside Yerevan from traveling to attend opposition rallies in the capital. In February authorities reportedly prevented vehicles from traveling from Gyumri to Vanadzor, where protests were being held against changes to vehicle registration requirements. On October 6, the ombudsman received complaints that transportation companies stopped providing transportation services during times coinciding with scheduled rallies. In response to an inquiry by the ombudsman, the Ministry of Transport and Communications verified the interruption in service of certain routes and issued a warning to all transport companies, in particular companies operating in the cities of Etchmiadzin and Abovyan, that they would lose their licenses if they suspended services again.

*Foreign Travel:* To leave the country on a temporary or permanent basis, citizens must obtain exit visas. Exit visas for temporary travel out of the country may be routinely purchased within one day of application for approximately 1,000 drams (\$2.60) for each year of validity.

#### *Internally Displaced Persons (IDPs)*

During the country's war with Azerbaijan over Nagorno-Karabakh, authorities evacuated approximately 65,000 households from the border region, but most IDPs later returned to their homes or settled elsewhere. During a visit to the country in September 2010, the UN representative on the human rights of IDPs, Walter Kaelin, cited a lack of adequate housing and limited economic opportunities as remaining obstacles faced by some of the country's IDPs and former refugees.

#### *Protection of Refugees*

*Access to Asylum:* The laws provide for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

*Refugee Abuse:* Asylum seekers serving sentences for illegal entry into the country were generally not released following the registration of their asylum applications and were required to serve the remainder of their sentences.

*Access to Basic Services:* Due to a lack of institutional capacity, authorities often struggled to integrate asylum seekers into society once they obtained permanent residency status. Housing allocated to the refugees was often inadequate in supply and in poor condition. Refugees faced the same social and economic hardships that confronted the general population.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

Although the constitution and law provide citizens with the right to change their government peacefully, observers criticized government interference with that right during the country's most recent national elections.

#### **Elections and Political Participation**

*Recent Elections:* Observers criticized the 2008 presidential election as significantly flawed, with reports of favorable treatment of the government's candidate; ballot stuffing; vote buying; multiple voting; and intimidation of voters, candidates, and the media during the 2008 campaign. According to the OSCE, the vote count demonstrated deficiencies of accountability and transparency, and complaints and appeals procedures were not fully effective. The Central Election Commission and the National Commission on Television and Radio did not ensure that media provided a level playing field for all candidates, and media bias was evident.

There were continuing complaints that opposition parties had limited access to media.

On May 26, the National Assembly adopted a new electoral code that introduced many reforms that the Venice Commission and other international observers judged to be improvements. Nevertheless, these reforms did not dispel concerns about their implementation, the composition of the electoral commissions, or the continued possibility of fraud and abuse in connection with the estimated 500,000 to 800,000 registered voters who reside abroad.

*Political Parties:* There were no reports of undue legal restrictions on the registration or activity of political parties. Nevertheless, there were some complaints that the government used its administrative resources to discourage contributions to opposition parties, thereby limiting their activities. Additionally, there were allegations that the government discriminated against members of opposition political parties in hiring decisions.

*Participation of Women and Minorities:* Women's participation in political and public life, especially in decision-making bodies, remained low. As of the end of the year, there were 11 women in the 131-seat National Assembly, two in the cabinet, and no female governors. Only five of the elected 52 Yerevan City Council members were women, and no women headed any of Yerevan's 12 administrative districts.

The revised electoral code increased from 15 to 20 percent the required proportion of female candidates included on each party list of candidates for proportional voting. However, in the past a significant proportion of female candidates withdrew their candidacy after the election, with the result that the proportion of women in the National Assembly was well below that intended by the law. The new electoral code also introduced minimum gender balance requirements for the central and territorial election commissions.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Corruption remained a serious problem; officials frequently engaged in corrupt practices with impunity, and authorities took limited preventive measures. Civic groups working to address corruption stated that authorities continued to ignore media reports implicating government officials in corrupt practices.

The government implemented some measures to combat corruption in several state agencies and ministries. For example, it introduced revised procedures for obtaining drivers' licenses, passports, and business registrations to discourage the acquisition of these documents through bribery. The effect of these measures was not reported. During the year the Special Investigative Service investigated 58 cases of alleged corruption. It forwarded 23 cases involving 47 people, including 33 state officials, to the court.

On May 12, the Chamber of Control presented its 2010 annual report, which found that the State Social Security Service issued thousands of pensions in the names of pensioners who had been dead for years. The report implied that this money, approximately 113 million drams (\$293,500), was pocketed by officials from the service in Yerevan. The chief of the service, Vazgen Khachikian, was dismissed from his post shortly after the report's issuance. The Prosecutor's Office combined the criminal case launched into the embezzlement with the criminal case of other violations in the service, namely embezzlement of approximately 60 million drams (\$155, 840) by the regional subdivisions of the service. At the end of the year, a special police task force was investigating the case. The task force had not brought charges against Khachikian at year's end, although according to official information, 24 others had been indicted.

Corruption among police remained a problem. Several anticorruption probes of senior police officials suggested that officials were being held accountable more frequently than in previous years for their alleged malfeasance. On March 24, authorities arrested Major-General Hovhannes Tamamian, head of the Directorate General of Criminal Investigations of the national police, on charges of abusing his authority with grave

consequences. Prosecutors accused Tamamian of deliberately mishandling the investigations of killings in May 2010 in Yerevan and in 2009 in Gavar, presumably to help persons connected to him. On March 15, prior to Tamamian's arrest, President Sargsian convened an extraordinary assembly of senior law enforcement officials, where he accused police leadership of corruption and incompetence, alluding to the Tamamian case in particular.

On August 30, Colonel Margar Ohanian, head of the country's traffic police, was arrested for abuse of power, grand larceny, and embezzling 218 million drams (\$566,230) worth of gasoline intended for traffic police vehicles. Ohanian was relieved of his duties on September 1 and faced up to eight years in prison for his alleged crimes.

Financial disclosure laws require that all public officials and their family members, as well as citizens with annual incomes exceeding eight million drams (\$20,780), file annual asset declarations. It was unclear to what extent officials and individuals with high incomes complied. Domestic observers reported that tax authorities lacked the capacity and resources to verify the reliability of those asset declarations that were filed.

Although the constitution and laws prohibit individuals engaged in entrepreneurial activity from holding public office, businessmen continued to occupy seats in parliament, and various government officials reportedly continued to use their offices to promote their private business interests.

The law provides for public access to government information. In practice many government bodies and officials were reluctant to grant such access. As of year's end, the government had not adopted the regulations on the collection and provision of information that were required by, and supplementary to, the 2003 Freedom of Information Law. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts than obtaining it directly from government agencies.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restrictions, freely investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

Authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, and local matters. At the same time, they were usually unresponsive to NGO allegations of mistreatment and abuse by law enforcement bodies. Authorities' general response in such instances was that they had investigated the allegations but could not corroborate them.

Authorities occasionally harassed selected human rights groups. For example, in October the group "Army in Reality," together with several human rights NGOs, joined to support families whose sons had died in the army and who were holding regular protests in front of government buildings. They protested against human rights violations and noncombat deaths and demanded investigations into the deaths. The NGOs' participation spurred negative reactions by high-ranking Defense Ministry officials. The then deputy minister of defense, subsequently national chief of police, Vladimir Gasparyan, in several interviews called the "Helsinki organizations" participating in the initiative "grant-eaters" and people "without dignity and patriotism." In interviews Gasparyan accused the human rights organizations of carrying out orders of international donors. On November 10, the Helsinki Citizens Assembly-Vanadzor filed a lawsuit against Gasparyan and demanded a public apology to the protesters and symbolic compensation of 10 drams (approximately two cents) for damages to the organization's reputation. On December 6, a member of the National Assembly from the ruling Republican Party, Karen Avagyan, made similar



comments about the organizations in the National Assembly.

*Government Human Rights Bodies:* There is an ombudsman whose mandate is to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments. The National Assembly selected a new ombudsman on March 2.

An August 2010 decree establishing a body overseeing the activities of nonprofit organizations was not actively implemented during the year.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government did not effectively enforce these prohibitions.

### **Women**

*Rape and Domestic Violence:* Rape is a criminal offense and carries a maximum sentence of 15 years. There are no laws explicitly criminalizing marital rape. According to official statistics, authorities registered 15 cases of rape and attempted rape during the year. In connection with these cases, eight individuals were convicted, and the remaining cases remained under investigation. Crimes such as rape continued to be underreported due to social stigma.

There was no law that specifically addressed domestic violence. Spousal abuse and violence against women were believed to be widespread. From January to June, the Women's Resource Center registered 709 calls to its hotline complaining of domestic violence. A majority of those (442) involved psychological violence, 260 involved physical violence, and seven involved sexual violence. The center also reported that the number of families receiving support in its emergency shelter increased by nine in the first half of the year; from January to June, the shelter served 25 women with 27 children.

In addition to the one permanent NGO-supported shelter for survivors of domestic violence, a new state-of-the-art private facility opened in a village near Yerevan in June. The facility served disadvantaged and vulnerable women, including, but not limited to, domestic violence survivors.

According to domestic observers, most domestic violence continued to go unreported because victims were afraid of physical harm, apprehensive that police would return them to their husbands, or ashamed to disclose their family problems. There were also reports that police were reluctant to act in such cases and discouraged women from filing complaints, especially in the regions outside of Yerevan. The majority of domestic violence cases were of low or medium gravity. In such cases a victim can decline to press charges, and victims who reported domestic violence were often pressured by perpetrators to withdraw charges or recant previous testimony.

In March Yanis Sargisov went on trial for causing the death of his wife Zaruhi Petrosyan. A coalition of women's rights NGOs actively followed the case, attending the trial, and organizing protests demanding justice. According to Petrosyan's sister, both Petrosyan's husband and her mother-in-law abused her. Officials did not corroborate abuse by the mother-in-law, however, and the Guardianship and Custody Commission of Nork-Marash administrative district of Yerevan granted the mother-in-law custody of Petrosyan's two-year-old daughter. On October 14, the court convicted Sargisov and sentenced him to 10 years in prison, the maximum punishment under the law.

The police reported 528 cases of domestic violence during the year, of which 396 were cases of abuse by a husband or a partner. Those cases included instances of battery, intentional infliction of damage to health, threats, and hooliganism.

*Sexual Harassment:* The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. While there was no public data on the extent of the problem, observers believed that sexual harassment of women in the workplace was widespread.

*Reproductive Rights:* According to the law, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. In practice, especially in more traditional families, such decisions were often made by the male spouse and his parents. There was little access to, or information about, contraception, especially in rural areas. Skilled attendance during childbirth was more accessible in large towns and other population centers. There were reports that women, especially those in rural or remote areas, faced insufficient access to adequate general and reproductive health-care services. Women were diagnosed and treated for sexually transmitted infections equally with men.

*Discrimination:* Men and women enjoy equal legal status, but discrimination on the basis of gender and age were continuing problems in the public and private sectors. Women generally did not enjoy the same professional opportunities or wages as men and were often relegated to more menial or low-paying jobs. According to official statistical data for 2010, there was a significant gap between the average monthly salary of men and women; also the average monthly salary for women notably decreased from younger age groups to older. Women remained underrepresented in leadership positions in all branches and levels of government. A survey released during the year found that an overwhelming majority (71 percent) considered it undesirable for a woman to be president, although more respondents considered it desirable for women to hold leadership positions at the community or local level.

## Children

*Birth Registration:* Citizenship is derived from one's parents. Observers indicated that some parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, in part because of the cost of transportation to registration centers, thereby potentially depriving them of essential social services and increasing their children's vulnerability. During the year international donors continued to work with authorities to address the situation.

*Child Abuse:* During the year the domestic branch of the international NGO Save the Children published an assessment of child abuse in the regions of Kotayk, Aragatsotn, and Shirak. It reported children were subjected to physical and psychological abuse and neglect, particularly the failure to provide adequate food, clothing, and shelter. Children reported being subjected to abuse outside the home as well, including physical and psychological abuse in institutions, schools, and occasionally on the streets. According to the assessment, some parents also exploited their children economically by forcing them to work. The assessment indicated that children were unaware of their rights, and this lack of awareness appeared to make violence against children socially acceptable.

*Sexual Exploitation of Children:* Antitrafficking statutes prohibit the sexual exploitation of children. These provide for sentences of seven to 15 years in prison for trafficking of children, depending on aggravating circumstances. Child pornography is punishable by imprisonment for up to seven years.

According to domestic observers, the legal framework was inadequate for assessing and prosecuting sexual crimes involving children. Statutory rape, defined in the law as sexual acts with a person under 16, is punishable by a fine and up to two years in prison. Sexual solicitation of minors and the failure to report statutory rape are not crimes. During the year authorities prosecuted a high-profile case of pedophilia in the town of Akhtala. The investigation into the case began in January, based on a report and video recordings submitted to the National Security Service. The recordings reportedly showed Serob Der-Boghosian, a former adviser to the prime minister and Akhtala's primary

employer, engaging in a sexual act with an underage boy. Reports and evidence gathered indicated that Der-Boghosian made videos and photographs of underage boys from poor families, gave them money, and forced them to perform sexual acts. On November 17, a court of first instance of Lori District convicted Der-Boghosian of violent sexual acts and sentenced him to 15 years' imprisonment, the maximum punishment under the law.

*International Child Abductions:* The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The size of the country's Jewish population was estimated at between 500 and 1,000 persons. There were no reports of anti-Semitic violence during the year.

### **Trafficking in Persons**

See the Department of State's *2011 Trafficking in Persons Report*.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree mandate accessibility to buildings, including schools, for persons with disabilities, but in practice very few buildings or other facilities were accessible. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to do so effectively. Official statistics showed there were 177,076 persons with disabilities as of December 31.

In spite of the large number of officially registered persons with disabilities, disabled persons are seldom seen outside the home due to the social stigma associated with disabilities. In extreme cases the social stigma sometimes prompts families to hide their disabled children completely from public view, thus depriving them of access to education and integration into society.

Persons with all types of disabilities experienced problems in virtually all spheres of life, including health care, social and psychological rehabilitation, education, transportation, communication, access to employment, and social protection. Access to information and communications was a particularly significant problem for persons with sensory disabilities.

Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

In February the media reported that the Diplomatic School of the Ministry of Foreign Affairs refused to consider the application of Artak Beglaryan because he was blind. Beglaryan, a graduate of the International Relations Department of Yerevan State University, appealed to the Administrative Court, claiming that blindness was not included on the list of the health problems precluding public service. He accused the ministry of discrimination. On October 10, the Administrative Court turned down Beglaryan's appeal, holding that the Ministry of Foreign Affairs had no responsibility for its Diplomatic School.

The Helsinki Association's 2011 report included a chapter on the conditions for patients in psychiatric clinics. The report described a number of significant shortcomings in such clinics, in particular poor sanitary and hygienic conditions, inadequate access to communications and information, and inadequate medical care.

There were widespread reports of corruption and arbitrary rulings in the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status. In his 2010 annual report, the ombudsman noted an increase in complaints about the commission's decisions. Citizens complained that the commission arbitrarily deprived them of disability status despite their worsening health.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as an affliction. Societal discrimination based on sexual orientation and gender identity negatively affected the employment, family relations, and access to education and health care of sexual minorities.

Openly gay men were exempt from military service, purportedly because of concern that fellow servicemen would abuse them. However, the actual exemption required a medical finding, by means of a psychological examination, that an individual had a mental disorder; this information was stamped in the individual's personal documents.

According to human rights activists, sexual minorities were frequent targets for humiliating discrimination in prisons, where they were forced to perform degrading labor and separated from the rest of the prison population.

### **Other Societal Violence or Discrimination**

There were no reports during the year of acts of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring job applicants to be between the ages of 18 and 30. While this discrimination appeared to be widespread, authorities did not take any action to mitigate it. After age 40, unemployed workers, particularly women, had little chance of finding jobs appropriate to their education or skills.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers, except for personnel of the armed forces and law enforcement agencies, to form and to join independent unions. The law also provides for the right to strike, with the same exceptions, and permits collective bargaining. These activities could be conducted without government interference. The law stipulates that workers' rights cannot be restricted because of their membership in a union. The labor code provides a list of reasons a person can be fired, which does not include union activity.

Labor rights were not always respected in practice. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Labor unions were generally inactive with the exception of those connected with the mining industry. Unions were closely tied to the government. There were no reports of specific acts of antiunion discrimination; but there were reports that some mining enterprises, including some financed by foreign investors, discouraged employees from joining labor unions with the implied threat of loss of employment.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor but there were reports that women and girls were subjected to conditions of forced labor and that men were subjected to forced labor in the construction sector. A small number of girls were subjected to sex trafficking and boys to forced begging.

Also see the Department of State's *2011 Trafficking in Persons Report*.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16, but children may work from the age of 14 with permission of a parent or a guardian. Persons under 18 are prohibited from working overtime; in harmful, strenuous, or dangerous conditions; at night; or on holidays. Authorities responsible for enforcing compliance with child labor law failed to implement the law in practice.

According to observers, many children, especially in rural regions, worked in family enterprises, mainly in agriculture. Observers also reported seeing children in Yerevan selling flowers and drawings and working in local markets after school hours. Children also worked in trade, construction, and car services, operated vehicles, and gathered waste metal and bottles. According to a 2008 UNICEF study on child labor, 4.7 percent of children between seven and 18 years of age had paying jobs. This percentage did not include children working on family farms or in family businesses. The survey also found almost one-third of working children were below the legal working age, almost all children worked without legal contracts, and some children were employed in heavy manual work as laborers and loaders.

Also see the Department of Labor's *2010 Findings on the Worst Forms of Child Labor*.

### **d. Acceptable Conditions of Work**

The monthly minimum wage was 32,500 drams (\$84.41), which was approximately equal to the poverty line.

The law provides for a 40-hour workweek, 28 days of mandatory annual leave, and compensation for overtime and nighttime work. The law provides that compulsory overtime cannot exceed four hours in two consecutive days and 180 hours within a year. In practice authorities did not effectively enforce these standards. Many private sector employees were unable to obtain paid leave and were required to work more than eight hours a day without compensation. According to representatives of some employment agencies, many employers also continued to hire employees for a "probationary" period of 10 to 30 days, during which they were not paid. Often these employees were subsequently dismissed and unable to claim payment for the time they worked because their initial employment was undocumented.

Occupational and health standards were established by government decree. The State Labor Inspectorate, with its 140 inspectors, was responsible for enforcing these standards but did not do so effectively. During the year the State Labor Inspectorate reportedly made little progress toward implementing an inspection regime or enforcing the labor code, and its work was reportedly undermined by corruption. Managers of enterprises that were the primary employers in certain poor areas frequently took advantage of the absence of alternative jobs and neglected issues related to adequate pay, job safety, and environmental concerns. Workers in the informal sector were excluded from any form of governmental protection.

Work safety and health conditions remained substandard in numerous sectors, and there was one fatal workplace incident during the year.

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