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Country Report on Human Rights Practices 2019 - Armenia

Executive Summary

Armenia’s constitution provides for a parliamentary republic with a unicameral legislature, the National Assembly (parliament). The prime minister elected by the parliament heads the government; the president, also elected by the parliament, largely performs a ceremonial role. During December 2018 parliamentary elections, the My Step coalition, led by acting prime minister Nikol Pashinyan, won 70 percent of the vote and an overwhelming majority of seats in the parliament. According to the assessment of the international election observation mission under the umbrella of the Organization for Security and Cooperation in Europe (OSCE), the parliamentary elections were held with respect for fundamental freedoms.

The national police force is responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control. The Special Investigative Service (SIS) is a separate agency specializing in preliminary investigation of cases involving suspected abuses by public officials. The Investigative Committee is responsible for conducting pretrial investigations into general civilian and military criminal cases and incorporates investigative services. The NSS and the police chiefs report directly to the prime minister and are appointed by the president upon the prime minister’s recommendation. The cabinet appoints the SIS and Investigative Committee chiefs upon the prime minister’s recommendations. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: torture; arbitrary detention, although with fewer reports; harsh and life-threatening prison conditions; arbitrary interference with privacy; significant problems with the independence of the judiciary; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; and use of forced or compulsory child labor.

The government took steps to investigate and punish alleged abuses by former and current government officials and law enforcement authorities. For example, throughout the year, an investigation continued into the culpability of former high-ranking government officials surrounding events that led to the deaths of eight civilians and two police officers during postelection protests in 2008.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was at least one report that the government or its agents committed an arbitrary or unlawful killing. According to an October 3 report by *Hetq.am*, in June 2018 detainee Armen Aghajanyan was found hanged in the Nubarashen National Center for Mental Health where he

had been transferred from Nubarashen Penitentiary for a psychological assessment. The family believed he was killed to prevent his identification of the guards who beat him in March 2018 upon his admission to the penitentiary, including Major Armen Hovhannisyan, who was charged with torture and falsification of documents. Aghajanyan’s family stated there were signs of violence on his body and that he was taller than the height of the sewage pipe from which he allegedly hanged himself on June 12. At the time of the alleged suicide, Armen Hovhannisyan, one of the guards who had been identified as having beaten Aghajanyan, was in custody. As of November 1, the investigation into Aghajanyan’s death continued; however, on November 26, trial court judge Davit Balayan freed Hovhannisyan, ruling that his actions did not constitute torture but exceeded official authority. The judge applied a 2018 amnesty to Hovhannisyan.

Throughout the year there were media reports that the Ministry of Defense was providing incomplete information or not reporting on certain noncombat deaths in the army. Human rights nongovernmental organizations (NGOs) voiced concern regarding the Defense Ministry’s classification of military deaths and the practice of qualifying many noncombat deaths as suicides, making it less likely that abuses would be uncovered and investigated. Of note, NGOs reported that after car accidents, health ailments were the second most common cause of military deaths, calling into question the adequacy of health services in the armed forces and whether young men with serious pre-existing health conditions were being conscripted.

On February 11, media outlets reported that the Defense Ministry had hidden the death of contract serviceman Edgar Grigoryan, who allegedly committed suicide on January 1 in Syunik region. On February 12, the defense minister responded to the press stating that the death was not related to his military service and thus not reported. According to the Prosecutor General’s Office, Grigoryan was intoxicated and shot himself in the chest after threatening a senior officer at his duty station. Grigoryan’s family disputed this account. Six soldiers received disciplinary fines as a result of the investigation into Grigoryan’s death. The investigation continued at year’s end.

In response to demands from families whose sons died in the army under noncombat conditions, the government established a working group consisting of NGOs and individual experts to examine five past cases and identify systemic problems. The group commenced work in November 2018. After a few months, several members quit the group, citing their lack of access to case materials. Other NGOs, however, continued in the group, citing good cooperation with the Investigative Committee, and two NGOs presented their observations to the committee on the shortcomings they had discovered in the investigations. By year’s end the Investigative Committee was examining those observations.

On October 10, the government approved the *Judicial and Legal Reform Strategy for 2019-2023* and the national action plan for its implementation. The strategy envisaged the creation of a fact-finding group to examine noncombat deaths, among other human rights violations.

In its July 8 biannual report on the human rights situation in the armed forces, the NGO Peace Dialogue noted that, for the first time, the Ministry of Defense had designated the protection of soldiers’ human rights as an organizational priority. On July 24, the Defense Ministry launched a “trust line,” a telephone number that soldiers may call to submit complaints, ask for assistance, and provide suggestions.

On September 12, hearings began in a high-profile case against former officials for their alleged involvement in sending the military to break up protests following the 2008 presidential election, in which eight civilians and two police officers were killed. Charges filed in this and

associated criminal cases included allegations of overthrowing the constitutional order, abuse and exceeding official authority, torture, complicity in bribery, official fraud, and falsification of evidence connected with the investigation of the 2008 postelection events. High-profile suspects in the cases included former president Robert Kocharyan, former minister of defense Mikhail Harutyunyan, former deputy minister of defense Yuri Khachaturov, former defense minister Seyran Ohanyan, former chief of presidential staff Armen Gevorgyan, former police chief Alik Sargsyan, former prosecutor general Gevorg Kostanyan, and others. On July 27, Kocharyan was charged with overthrowing the constitutional order in connection with the violent suppression of protests in 2008. Authorities charged Gegham Petrosyan, a former deputy police commander, with the murder of Zakar Hovhannisyan during suppression of the protests.

On January 29, Council of Europe commissioner for human rights Dunja Mijatovic issued a report on her September 2018 visit to the country, which noted that authorities had taken steps to establish responsibility for the violent events and deaths of March 2008. The report noted the importance of conducting the process in a careful manner “in strict adherence to the principles of rule of law, judicial independence, transparency, and guarantees of fair trial,” in order to dispel any accusations of revenge politics or selective justice.

On June 4, parliament adopted a law on providing assistance to the victims of the March 2008 postelection violence, and on September 5, the government allocated 720 million drams (\$1.5 million) to assist victims and their families.

Separatists, with Armenia’s support, continued to control most of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by France, Russia, and the United States. Violence along the Line of Contact continued at lower levels compared with previous years. Recurrent shooting caused deaths, primarily to military members. Following the outbreak of violence in 2016, the sides to the conflict submitted complaints to the European Court of Human Rights (ECHR) accusing each other of committing atrocities during that time. The cases remained pending with the ECHR.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

According to police, 867 persons were missing as a result of the Nagorno-Karabakh conflict. The International Committee of the Red Cross (ICRC) processed cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, approximately 4,500 Azerbaijanis and Armenians remained unaccounted for as a result of the conflict.

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

The constitution and law prohibit such practices. Nevertheless, there were reports that members of the security forces continued to torture or otherwise abuse individuals in their custody. According to human rights lawyers, while the criminal code defines and criminalizes torture, the relevant provisions do not criminalize inhuman and degrading treatment. There were no convictions of officials for torture. According to government statistics, since the 2015 adoption of a new definition of torture in the criminal code, the prosecutor’s office submitted

three charges of torture to the courts, resulting in one acquittal that was under appeal. A second case resulted in replacing the torture charge with that of exceeding official authority. The third case continued at year’s end.

According to human rights activists, impunity for past instances of police abuse contributed to the persistence of the problem, although to a lesser extent than observed prior to the 2018 “Velvet Revolution.” Furthermore, observers contended that the failure to prosecute these past cases was linked to the lack of change in the composition of law enforcement bodies since the 2018 political transition, other than at the leadership level. Official sources noted that several Yerevan police stations and the Criminal Intelligence Division of the National Police had complete personnel turnover, but these were exceptions. For example, four years after an ECHR ruling found violations of the right to a fair trial and prohibition of torture in the case of *Nalbandyan v. Armenia*, no one had been held responsible as of year’s end for torturing the Nalbandyan family in the course of a 2004 murder investigation. According to an article published in the independent *Epress.am* on May 13, the torture case was reopened in 2017, but the prosecutor’s office later dropped it, despite the ECHR ruling and the Nalbandyans’ identification of three of their abusers: Vardan Harutyunyan, who was an assistant to the prosecutor in 2004 and subsequently became a Gegharkunik region trial court judge; Gagik Hovsepyan, the investigator of the case; and former Vardenis police chief Viktor Hakobyan.

There were reports of abuse in police stations, which, unlike prisons and police detention facilities, were not subject to public monitoring. Criminal justice bodies continued to rely on confessions and information obtained during questioning to secure convictions. According to human rights lawyers, procedural safeguards against mistreatment during police questioning, such as inadmissibility of evidence obtained through force or procedural violations, were insufficient.

For example, on April 8, reports appeared on social media that Yerevan resident Edgar Tsatinyan had died in a hospital after having been transferred from Yerevan’s Nor Nork Police Department, where he had been in custody. According to Tsatinyan’s family, police officers had beaten him to try to force a murder confession. When Tsatinyan refused, the officers allegedly said they would charge him for drug possession, after which Tsatinyan swallowed three grams of methamphetamine with which the officers intended to frame him. Tsatinyan died of a drug overdose in a hospital. A forensic examination found plastic packets in his stomach, traces of the drug in his blood, and injuries on his body. On April 15, the SIS opened a torture investigation, which continued at year’s end.

Lieutenant-general Levon Yerososyan, the former chief of the internal police troops, faced charges of exceeding official authority committed with violence and leading to grave consequences for his role in the April 2018 violence against protesters. Yerososyan’s trial continued at year’s end.

In May 2018 the SIS charged the commander of the Yerevan Police Department Escort Battalion, Armen Ghazaryan, with torture for his role in the 2017 police beatings of four members of the armed group Sasna Tsrer during an altercation. The defendants suffered cuts and bruises on their faces, heads, abdomens, backs, and legs in the beatings. At year’s end the investigation continued.

There were no reports regarding the scale of military hazing in the army and whether it constituted torture. On January 8, the Court of Cassation recognized the violation of conscript Artur Hakobyan’s right to freedom from torture. Hakobyan, who entered the army in 2015, was released from service early due to a mental disorder. According to his family and lawyer,

Hakobyan was in good mental health before joining the army but experienced deep psychological trauma as a result of torture and abuse. Hakobyan identified his unit commander, Jivan Mkrtchyan, as his chief abuser. According to Hakobyan's lawyer, following the Court of Cassation ruling, the Ninth Garrison Investigative Division of the Military Investigation Main Department of the Investigation Committee—the division that previously failed to investigate the reported abuse—reopened the investigation as a military crime (on charges of battery and inhuman treatment), not as a torture case. Consequently, the prosecution denied the motion to transfer the investigation to the SIS, the body that investigates torture. The Investigative Committee dismissed the investigation in May, citing lack of evidence, a decision overturned on appeal in October. The Prosecutor General's Office subsequently appealed the court's decision to compel an investigation.

In March 2018 the office of the ombudsman issued an ad hoc report on the situation in psychiatric institutions, noting violations of human rights. Shortcomings included legal gaps in regulating compulsory treatment, expired medication, inappropriate use of means of restraint, absence of mechanisms for urgent stationary psychiatric assistance, overcrowding, discrimination, inadequate housing and sanitary conditions, inadequate food, and other problems.

Prison and Detention Center Conditions

Prison conditions were marked by poor sanitation, inadequate medical care, and predation by hierarchical criminal structures (“thieves-in-law”); the government made some progress in tackling corruption during the year; overcrowding was no longer a problem at the prison level but still existed at the cell level. Conditions in some cases were harsh and life threatening.

Physical Conditions: According to the Prison Monitoring Group (PMG), a coalition of local NGOs, prison renovations that took place during the year had not resulted in major improvements for inmates. On September 5, the minister of justice, appointed in June, described the conditions of Nubarashen Prison, especially the first floor, as inhuman.

Human rights observers and the PMG continued to express concern regarding the physical conditions of Armavir Penitentiary. The prison did not have an air ventilation or cooling system. PMG monitors who visited the prison in the summer of 2018 registered temperatures of 113 degrees Fahrenheit inside cells. According to the PMG, the ventilation and cooling system was removed from the original construction plan due to a lack of resources.

According to the PMG, impunity related to the deaths of inmates continued to be one of the most significant human rights problems in prison. There were no investigations into the circumstances of deaths due to illness, such as whether an illness was acquired due to incarceration or if the illness had been preventable or treatable. During the first nine months of the year, 15 inmates died, the same number as during the same period in 2018.

On January 26, Mher Yeghiazaryan, the deputy chairman of the Armenian Eagles: United Armenia Party, died at Nubareshen Prison nine days after ending a 44-day hunger strike. He also ran online media website *Haynews.am*. Yeghiazaryan died from a heart attack, according to the prison administration. His lawyer told Radio Free Europe/Radio Liberty that his client may have survived if he had been taken to a hospital right after the hunger strike, adding that Yeghiazaryan did not receive adequate medical care at Nubarashen's medical unit. According to the Office of the Human Rights Ombudsman, Yeghiazaryan suffered from chronic heart

disease. The office stated it urged law enforcement authorities to free him on bail for that reason. On January 16, a Yerevan court refused the bail request. The government launched an investigation into Yeghiazaryan’s death that continued at year’s end.

The Ombudsman’s Office and the PMG noted the need for better psychological services in prisons. According to the PMG, there was a shortage of psychologists on staff and hundreds of inmates in need of care. The PMG linked the absence of psychological care to numerous instances of self-mutilation and suicide. According to statistics published by the PMG, from 2011 to 2017, there were 27 suicides in prison. During the first nine months of the year, 446 cases of self-mutilation were registered in prison compared with 612 in 2018. The most self-mutilation incidents in 2019 were registered in Nubarashen, Vardashen, and Armavir Prisons. According to a September 4 media report, the Ministry of Justice penitentiary department twice refused the request of Helsinki Citizens Assembly Vanadzor to allow psychologists to visit persons serving life sentences. The reasoning given by the ministry was that it did not consider psychological assistance to be a medical service. According to an October 19 report by *Hetq.am*, 17 psychologists worked in the country’s 12 penitentiaries.

According to human rights organizations, an organized hierarchical criminal structure dominated prison life. According to observers, including the ombudsman, prison officials delegated authority to select inmates (called “watchers”) at the top of the informal prison hierarchy and used them to control the inmate population. Serious gaps in prison staffing both led to and exacerbated the situation. In December 2018 the Ombudsman’s Office published a *Concept on Combating Criminal Subculture in the Penitentiary Institutions* that identified a complex of measures that could be taken to eradicate the “Gulag-like” subculture from the penitentiaries.

According to a Ministry of Justice official, the government was implementing a zero-tolerance policy towards organized, hierarchical criminal gangs.

On November 28, the government approved the 2019-2023 strategy and implementation action plan on penitentiaries and probation. The strategy included plans for a major revamp of the penitentiaries, including capital renovations; shutting down those with the worst conditions, including Nubarashen; and prison construction. The strategy also envisages fighting corruption and the criminal subculture, as well as fostering inmate re-socialization.

Former inmates and many human rights observers raised the problem of corruption and bribery in the penitentiaries. According to the PMG, political will at the highest level to eradicate corruption in the penitentiaries had not yet been translated into institutional change. While corruption and bribery were no longer systemic, they continued to occur. For example, on September 18, Kosh Prison head Lyova Baghdasaryan was arrested and charged with taking a bribe.

Health-care services in prisons remained understaffed and poorly equipped, and there were problems with access to specialist care. There was also a serious shortage of medication. The PMG reported problems with accessibility, timing, and quality of the health care in penitentiaries, despite programs implemented to address those gaps.

Prisons lacked accommodations for inmates with disabilities.

According to the PMG and other human rights organizations, LGBTI individuals experienced the worst prison conditions. Prison administrators reinforced and condoned abusive treatment and held LGBTI individuals in segregated cells in significantly worse conditions. The PMG noted

that homosexual men or those assumed to be homosexual, those associating with them, and inmates convicted of crimes such as rape, as well as those who refused to live by the “unwritten prison rules,” were segregated from other inmates and forced to perform humiliating jobs, such as cleaning toilets, picking up trash for other prisoners, and providing sexual services. Food preparation and cutlery for these prisoners was kept separate, they had a separate laundry machine, and even a separate solitary confinement cell. According to an April 10 report in *Hetq.am* detailing their life in prison, if an LGBTI individual did not declare his status when entering prison, he would face terrible abuse once cellmates learned of it.

Administration: Authorities routinely neither conducted credible investigations nor took action in a meaningful manner to address problems involving the mistreatment of prisoners, disputes and violence between inmates, or widespread corruption.

Convicts and detainees did not always have reasonable access to visitors due to the lack of suitable space for visitations. On February 11, the Constitutional Court, responding to an application by the ombudsman, found legal provisions establishing blanket restrictions on access to the outside world for detainees and convicts placed in isolation to be unconstitutional.

Independent Monitoring: The government generally permitted domestic and international human rights groups, including the Council of Europe’s Committee for the Prevention of Torture, to monitor prison and detention center conditions, and they did so regularly. Authorities allowed monitors to speak privately with prisoners and permitted the ICRC to visit prisons and pretrial detention centers. In 2017 the minister of health established a civil society group to carry out monitoring of psychiatric institutions.

There were limits, however, to independent monitoring by domestic groups. The Ministry of Justice continued to deny PMG monitors access to those individuals in whose cases the investigation body had put a restriction on communication. The PMG was also unable to check the conditions of confinement for those individuals. The PMG asserted the restriction was arbitrary and that the investigation body’s decision should not apply to the PMG.

Despite changes to the early release program in 2018 that abolished independent commissions and transferred decision making on early release to the courts, with advice from the penitentiaries and the state probation service, observers continued to report problems, including arbitrary decision making. The PMG questioned the absence of clear criteria for early release as well as the opportunities available for prisoners to comply with criteria that do exist.

Improvements: As of year’s end, police had installed video cameras and audio recording devices at the entrances and exits of 10 regional police stations and the Yerevan police detention center as a pilot program.

The PMG reported improved water supplies in all prisons. In December 2018 the government allocated 270 million drams (\$556,000) to the Ministry of Justice for correctional facility renovations. On September 5, the government allocated an additional 176.7 million drams (\$370,000) for water and sewage system renovations and improvement of the living conditions of inmates at the Nubarashen, Abovyan, Kosh, and Hrazdan prisons as well as the Hospital for Inmates. According to information provided on July 29 by the Ministry of Justice to the PMG, in January the government had begun construction at Nubarashen Prison to renovate bathrooms, external and internal water supply networks, the internal drainage system, and electric lighting

networks. According to the ministry, this renovation was a necessary short-term solution to prisoners’ urgent needs prior to the building of a new prison; some NGO experts questioned the expenditure.

According to a report by the Ministry of Justice and the Penitentiary Service, the following improvement works were in progress or finished during the year: the renovation of eight visitation rooms at Armavir Prison to bring them up to international standards; renovation of the external sewage system, bathrooms, and shower rooms at Abovyan Prison and Hospital for Inmates, including bathrooms and showers for persons with mobility problems; and renovation of the cafeteria at Kosh Prison and the external sewage systems at Hrazdan and Nubarashen Prisons.

In a separate development, the Ministry of Justice Center for Legal Education and Rehabilitation Programs resumed secondary education to inmates younger than age 19 at Abovyan, Nubarashen, and Armavir Prisons. The provision of secondary education in prisons had been suspended since 2015.

To improve the quality of food provided at penitentiaries, the Ministry of Justice conducted a pilot project that entailed contracting out prison food services. On October 15 and 16 at Nubarashen and Armavir prisons respectively, implementation of the 70-day pilot projects began.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were fewer reports of arbitrary arrest during the year compared with past years.

Arrest Procedures and Treatment of Detainees

By law an investigative body must either arrest or release individuals within three hours of taking them into custody. Within 72 hours the investigative body must release the arrested person or file charges and obtain a detention warrant from a judge. The law requires police to inform detainees of the reasons for their detention or arrest as well as their rights to remain silent, to legal representation, and to make a telephone call. Bail was a legal option. According to human rights lawyers, following the “Velvet Revolution,” courts were initially less likely to apply pretrial detention, opting for other preventive measures such as bail and signed undertakings not to leave the country. During the year, however, observers noted courts’ increasing tendency to fall back into the previous practice of applying pretrial detention, with suspects bearing the burden of proof to demonstrate they did not present a flight risk or would not hamper an investigation. According to government statistics, in the first nine months of the year, trial courts rejected 10 percent and 3.5 percent of the requests for detention and extension of detention, respectively, compared with 4.4 percent and 16.7 percent during the first nine months of 2018. During the first nine months of the year, trial courts approved only 16.4 percent of requests for release on bail, compared with a 19.1 percent approval rate during the first nine months of 2018.

Defendants were entitled to representation by an attorney from the moment of arrest, and the law provides for a public defender if the accused is indigent. According to human rights observers, few detainees were aware of their right to legal representation. Observers indicated police at times avoided granting individuals their due process rights by summoning and

holding, rather than formally arresting, them, under the pretext that they were material witnesses rather than suspects. Police were thereby able to question individuals without giving them the benefit of a defense attorney.

Arbitrary Arrest: There were several reports of arbitrary arrest during the year. For example, the Helsinki Association for Human Rights questioned some of the detentions carried out by police on July 18 in Ijevan, when they arrested individuals suspected of clashing with police earlier in the day during demonstrations against the government’s decision to prohibit illegal logging. The individuals were taken to police stations in the middle of the night, sometimes wearing only their underwear. According to the Ombudsman’s Office, those detained in Ijevan claimed that police had not informed them of the reasons for their detention, and their families did not know their whereabouts until hours later, when they were brought to Yerevan.

Pretrial Detention: Lengthy pretrial detention remained a chronic problem. According to the government, as of October 1, approximately 45 percent of the prison population consisted of pretrial detainees. Some observers saw investigators use excessive pretrial detention as a means of inducing defendants to confess or to reveal self-incriminating evidence.

Although the law requires prosecutors to present a well reasoned justification every two months for extending pretrial custody, judges routinely extended detention on unclear grounds. Authorities generally complied with the six-month limit in ordinary cases and a 12-month limit for serious crimes as the total time in pretrial detention. 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.” Prosecutors regularly requested and received trial postponements from judges. Prosecutors tended to blame trial delays on defense lawyers and their requests for more time to prepare a defense. Severely overburdened judicial dockets at all court levels also contributed to lengthy trials.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: According to legal experts, suspects had no practical opportunities to appeal the legality of their arrests. In cases where the courts ruled on a pretrial detention, another court was unlikely to challenge its ruling.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. After the 2018 political transition, popular distrust in the impartiality of judges remained strong, and NGOs highlighted that the justice sector retained many officials who served the previous authorities. Corruption of judges remained a concern. During the year NGOs stressed that many judges had acquired significant amounts of property and assets that were disproportionate to their salaries and noted that the absence of vetting of judges based on objective criteria—particularly of those in the Supreme Judicial Council and Constitutional Court—undermined the integrity of the judiciary.

On May 19, in an apparent reaction to the release of former president Robert Kocharyan from detention by a Yerevan court, Prime Minister Nikol Pashinyan called on his supporters to block access to courts throughout the country, a move questioned by some observers as pressuring the judiciary. On May 20, Pashinyan called for extensive judicial reform, including the vetting of judges, saying that he believed the judicial system was subject to shadowy and illegal influences due to its continued ties to the prior, corrupt regime. He also called for the resignation or firing of judges whose rulings significantly violated human rights according to ECHR rulings or who were not prepared to rule independently.

On September 27, two young men accosted trial court judge Anna Danibekyan, verbally attacking and insulting her while transmitting the incident live via Facebook. Danibekyan presided over the case against former president Kocharyan and others. The Supreme Judicial Council issued a statement condemning the harassment and pressure to undermine her independence and professional activity. Media reports identified the culprits, Sargis Ohanjanyan and Narek Mutaftyan, as Kocharyan supporters. Police arrested both men on charges of interfering with the activities of the court.

According to observers, administrative courts had relatively more internal independence but were understaffed and faced a long backlog.

The Judicial and Legal Reform Strategy for 2019-2023 approved on October 10 aimed at increasing public trust in the judiciary and the justice system and strengthening judicial independence.

Authorities generally complied with court orders.

NGOs reported judges routinely ignored defendants' claims that their testimony was coerced through physical abuse. Human rights observers continued to report concerns regarding the courts' reliance on evidence that defendants claimed was obtained under duress, especially when such evidence was the basis for a conviction.

Trial Procedures

The constitution and laws provide for the right to a fair and public trial, but the judiciary did not enforce this right.

The law provides for presumption of innocence, but suspects usually did not enjoy this right. During trials authorities informed defendants in detail of the charges against them, and the law requires the provision of free language interpretation when necessary. The law requires that most trials be public but permits exceptions, including in the interest of “morals,” national security, and the “protection of the private lives of the participants.” Defendants have the right to counsel of their own choosing, and the law requires the government to provide them with a public defender upon request. A shortage of defense lawyers sometimes led to denial of this right outside Yerevan.

According to the law, defendants may confront witnesses, present evidence, and examine the government's case in advance of a trial, but defendants and their attorneys had very little ability to challenge government witnesses or police, while courts tended to accept prosecution materials routinely. In particular the law prohibits police officers from testifying in their official capacities unless they were witnesses or victims in a case. Judges were reluctant to challenge police experts, hampering a defendant's ability to mount a credible defense. Judges' control over witness lists and over the determination of the relevance of potential witnesses in criminal cases also impeded the defense. Defense attorneys complained that judges at times did not allow them to request the attendance at trial of defense witnesses. According to lawyers and domestic and international human rights observers, including the Council of Europe's human rights commissioner, the prosecution retained a dominant position in the criminal justice system. Human rights organizations reported there were insufficient provisions for prosecutorial impartiality and accountability and no objective criteria for the nomination and selection of candidates for general prosecutor.

Following the “Velvet Revolution,” many judges released suspects in politically sensitive cases from pretrial detention. According to human rights groups, because no other circumstances had changed in their cases, this was an indication that, before the April and May 2018 events, judicial decisions to hold those suspects in detention instead of allowing their release on bail were politically motivated.

Defendants, prosecutors, and injured parties have the right to appeal a court verdict and often exercised it. In an example of a trial that even the victim’s family deemed unjust to the accused, criminal proceedings—originally opened in 2013—against Karen Kungurtsev for the alleged killing of Davit Hovakimyan, continued following a Court of Cassation’s order in July 2018 to return the case to trial court and release Kungurtsev on bail. Kungurtsev was originally acquitted in 2015, but in 2017 the criminal court of appeal reversed the acquittal and sentenced him to seven years in prison. The victim’s family and the Helsinki Association for Human Rights continued to support Kungurtsev’s claim of innocence, asserting that Hovakimyan’s real killer was the son of an NSS official who had used his position to influence police and prosecutors to investigate Kungurtsev. During testimony on November 14, a key witness in the case apologized to Kungurtsev and the victim’s father for providing false testimony six years earlier under pressure from law enforcement officers and gave potentially exonerating testimony in support of Kungurtsev.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Although citizens had access to courts to file lawsuits seeking damages for alleged human rights violations, the courts were widely perceived as corrupt. Citizens also had the option of challenging in Constitutional Court the constitutionality of laws and legal acts that violated their fundamental rights and freedoms. According to lawyers, lower courts did not adhere to precedents set by the Court of Cassation, the ECHR, and the Constitutional Court. As a result lower courts continued to carry out the same legal mistakes.

Citizens who exhaust domestic legal remedies may appeal to the ECHR cases involving alleged government violations of the European Convention on Human Rights. The government generally complied with ECHR awards of monetary compensation but did not meaningfully review the cases on which the ECHR had ruled. When ruling on a case to which a prior ECHR decision applied, courts often did not follow the applicable ECHR precedent.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits unauthorized searches and provides for the rights to privacy and confidentiality of communications. Law enforcement organizations did not always abide by these prohibitions.

Authorities may not legally wiretap telephones, intercept correspondence, or conduct searches without obtaining the permission of a judge based on compelling evidence of criminal activity. The constitution, however, stipulates exceptions when confidentiality of communication may be restricted without a court order when necessary to protect state security and conditioned by the special status of those in communication. Although law enforcement bodies generally adhered to legal procedures, observers claimed that certain judges authorized wiretaps and

other surveillance requests from the NSS and police without the compelling evidence required by law. By contrast there were no reports that courts violated legal procedures when responding to such authorization requests from the SIS, the Investigative Committee, and the State Revenue Committee.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press.

Since the 2018 political transition, the media environment has been freer, as some outlets began to step away from the earlier practice of self-censorship; however, there were reports that some outlets avoided criticizing the authorities so as not to appear “counterrevolutionary.” In its final report on the December 2018 elections, the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Election Observation Mission stated that while most interlocutors noted improvements in media freedom and an increase in plurality of opinions since April 2018, some also noted that the postrevolutionary public discourse was not conducive to criticism of the government, in particular, the then acting prime minister. Many traditional and online media continued to lack objective reporting.

Freedom of Expression: Individuals were free to criticize the government without fear of arrest. After the 2018 “Velvet Revolution,” there were calls for legal measures to address hate speech following incidents of advocacy of violence targeting individuals’ political opinions, religious beliefs, as well as sexual and gender identity.

Press and Media, Including Online Media: Broadcast and larger-circulation print media generally lacked diversity of political opinion and objective reporting. Private individuals or groups, most of whom were reportedly tied to the former authorities or the largest parliamentary opposition party, owned most broadcast media and newspapers, which tended to reflect the political leanings and financial interests of their proprietors. Broadcast media, particularly public television, remained one of the primary sources of news and information for the majority of the population. According to some media watchdogs, public television continued to present news from a progovernment standpoint, replacing one government perspective with another in the aftermath of the political transition. Nonetheless, public television was open and accessible to the opposition as well and covered more diverse topics of public interest than before.

Social media users freely expressed opinions concerning the new government and former authorities on various social media platforms. Use of false social media accounts and attempts to manipulate media, however, continued to increase dramatically during the year. According to media watchdogs, individuals used manipulation technologies, including hybrid websites, controversial bloggers, “troll factories,” and fictional Facebook groups and stories, to attack the government.

The country’s few independent media outlets, mostly online, were not self-sustainable and survived through international donations, with limited revenues from advertising.

The media advertising market did not change substantially after the 2018 “Velvet Revolution,” and key market players remained the same. According to a 2016 report by the Armenian Center for Political and International Studies, the advertising sales conglomerate Media International Services (MIS) controlled 74 percent of the country’s television advertisement

gross value, with exclusive rights to sell advertising on the country's five most-watched channels. Another company, DG Sales, was majority owned by MIS shareholders; it controlled more than one-third of the online commercial market, operating similar to MIS. Internet advertising, although a small segment of the advertising market, increased during the year.

Media company ownership was mostly nontransparent. The country's *Fourth Action Plan of Open-Government Partnership Initiative of the Republic of Armenia (2018-2020)* included commitments to improve ownership disclosure. Media NGOs advocated for the media sector to be included as a priority sector in the action plan and proposed changes to the Law on Television and Radio that fostered media ownership transparency.

The government maintained a de facto monopoly on digital broadcasting multiplex, while most channels represented the views of the previous government. Some 10 regional television stations remained at risk of closure due to a drop in viewership and advertising. The stations did not receive government licenses to transmit digitally via the single state-owned multiplex following the 2016 national switch to digital broadcasting, and they continued to transmit via the unsupported analog broadcasting system. The heavy cost of starting and maintaining a private multiplex (which could ensure the continuity of those stations) resulted in three unsuccessful tenders with no applicants since the 2016 switchover. As a result, on January 31, the government decided to shut down “Shirak” Public Television, claiming that the station's analog broadcast was unable to attract a wide audience and that the transfer of the station to a digital broadcast would require significant financial investment, which the government was unable to make. Media watchdogs criticized the decision and urged the government to change legislation to encourage the entrance of private multiplexers into the country and end the state's monopoly on digital broadcasting.

Violence and Harassment: The local NGO Committee to Protect Freedom of Expression reported three cases of violence against reporters in the first nine months of the year. Two reporters were attacked by employees of cafes that were being dismantled by Yerevan City Hall in a crackdown against illegal buildings. No criminal charges were filed. In the third case, the bodyguard of former NSS chief Artur Vanetsyan pushed a reporter to the ground.

On February 27, the Kotayk region trial court acquitted Kotayk police department head Arsen Arzumanyan, who had been charged with abuse of office and preventing the professional activities of journalist Tirayr Muradyan in April 2018. On June 5, in answer to an appeal of the acquittal, the Criminal Appeals Court found Arzumanyan guilty and fined him 500,000 drams (\$1,000).

Libel/Slander Laws: Media experts raised concerns regarding the unprecedented number of libel and defamation cases launched against media outlets by lawmakers, former officials, and others during the year. According to the Committee to Protect Freedom of Expression, 83 cases were filed with the courts during the first nine months of the year, placing a significant financial burden on media outlets.

National Security: According to media experts there was a dramatic increase in false news stories and the spread of disinformation regarding social networks and media during the year. The government claimed that former government representatives, who reportedly owned most media—including television stations with nationwide coverage—used media outlets to manipulate public opinion against authorities.

On April 4, Prime Minister Nikol Pashinyan ordered the NSS to crack down on anyone using mass media or social media to “manipulate public opinion.” Media experts, including some who said there was a need to address fake news and hate speech, criticized the prime minister’s instructions as an attempt to silence free speech. On April 9, the NSS reported the arrest of a person who administered a Facebook page that falsely presented itself as associated with the prime minister’s Civil Contract Party. The page spread fake news stories and incited violence, including against members of religious minorities. Although the NSS had investigated the Facebook account on charges of incitement of religious hatred since fall 2018, an arrest was made on this charge only after the prime minister’s April 4 instructions.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

In May, Facebook suspended the accounts of several prominent civil society activists for several weeks. A Facebook account called Digital Granate Civil Initiative ultimately took responsibility for blocking the activists, asserting it sought to “[clean] the internet” of civil society activists, including “foreign agents,” “corrupt politicians,” and members of the LGBTI community. Local digital media experts reinstated the blocked accounts with the help of an international digital rights group, although those behind the campaign to block the accounts remained unknown.

Academic Freedom and Cultural Events

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

The government expressly supported academic freedom and took measures to depoliticize academia, including the appointment of new boards of trustees of public universities. Under pressure from the public and the government for corruption as well as their lack of support for democratic reforms, several rectors, openly or allegedly affiliated with the previous regime, resigned. This included Aram Simonyan, rector of Yerevan State University, the country’s oldest academic institution. Simonyan, a member of the formerly ruling Republican Party of Armenia, resigned following months of a very public and controversial standoff with the minister of education, science, culture, and sports.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The constitution and the law provide for freedom of peaceful assembly. Following the spring 2018 “Velvet Revolution,” the government generally respected this right.

According to the monitoring report of the Helsinki Committee of Armenia, for the period from July 2018 through June, freedom of assembly improved after the political changes of spring 2018, resulting in more assemblies held during the year. The report also noted that police

methods had become more restrained. The most significant problems observed related to rally participants’ and organizers’ use of hate speech aimed at a person’s gender identity, sexual orientation, or religious views.

On August 19, however, police removed peaceful rally participants from a major street in downtown Yerevan and relocated them to a nearby sidewalk. They had been protesting the exploitation of a mine in Jermuk. An August 20 statement from Transparency International Anticorruption Center and other NGOs assessed the incident as the most serious violation of the right to assembly since the 2018 revolution. According to the statement, police used force and arbitrary detention to remove the protesters standing on Baghramyan Avenue from the lanes of traffic, after the protesters were denied access to the grounds around the parliament, which had previously been open to the public. The statement averred that as a result of police actions several persons required medical attention, one in a hospital. On August 20, police asserted that the physical force used was proportionate to the situation.

The government continued to seek accountability for cases of disproportionate force used against protesters by police during the largely peaceful events of April 2018. As a result of two official investigations into police conduct, two police officers were reprimanded. On August 9, however, the government suspended a criminal case that had merged multiple episodes of police violence into a single case after investigators, who had identified 55 victims, interrogated 200 persons, reviewed video recordings, and conducted forensic examinations, stated they were unable to identify the perpetrators. Several other officers charged with abuse of power for their role in using flash grenades were included in an amnesty granted in October 2018. The trial of former chief of internal police troops Levon Yerosyan, charged with exceeding official authority committed with violence and leading to grave consequences, continued. The trial in another case, involving Masis mayor Davit Hambardzumyan and seven others, charged with attacking protesters in April 2018, also continued. As a result of seven lawsuits, an investigation was underway into alleged police interference with freedom of expression, freedom of peaceful assembly, medical assistance rights, nondiscrimination, and freedom from torture and inhuman or degrading treatment.

Freedom of Association

The constitution and law provide this right, and the government generally respected it. The Law on Public Organizations limited the legal standing of NGOs to act on behalf of their beneficiaries in court to environmental issues. The limitations contradict a 2010 Constitutional Court decision that allowed all NGOs to have legal standing in court.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/> (<https://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

As of December 2018, according to the Internal Displacement Monitoring Center, approximately 8,400 internally displaced persons (IDPs) of the estimated 65,000 households evacuated in 1988-1994 were still living in displacement. Some of the country's IDPs and former refugees lacked adequate housing and had limited economic opportunities. The government did not have IDP-specific programs and policies aimed at promoting the safe, voluntary, dignified return, resettlement, or local integration of IDPs.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: There were reports of nonsystemic discrimination in the acceptance of applications and in detention of asylum seekers based on the country of origin, race, or religion of the asylum seeker, as well as difficulties with integration. Civil society contacts reported discriminatory attitudes and suspicion directed towards foreign migrants seeking employment.

In the first nine months of the year, 15 foreigners were arrested for illegal entry after crossing the border via land or air, a decrease from 28 in the first nine months of 2018. Despite a provision in the law exempting asylum seekers from criminal liability for illegal border crossing, authorities required them to remain in detention pending the outcome of their asylum applications or to serve the remainder of their sentences.

Authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The law accounts for specific needs of children, persons with mental disabilities and trauma survivors and allows detention centers to receive asylum applications. Three years of legal residence in the country is required for naturalization of refugees who are not ethnic Armenians.

Shortcomings in asylum procedures included limited state funding for interpreters and deficiencies in capacity of eligibility officers. Enhanced capacity of the judiciary resulted in an increased number of overruled State Migration Service (SMS) decisions on asylum applications. Following a 2018 administrative court judgment overruling an SMS denial of refugee status to a family from Iraq, the applicants were required to start the asylum process again. In general the courts drew more attention to the merit of asylum applications and used country of origin information more systematically than before 2018.

Authorities continued to offer ethnic Armenians from Syria who remained in the country a choice of protection options, including expedited naturalization, a residence permit, or refugee status. Quick naturalization gave persons displaced from Syria the same legal right to health care and most other social services as other citizens. Many of the countrywide reforms such as provision of increased social services, higher pensions, and more accessible health care also benefited naturalized refugees.

While the overall quality of procedures and decision making for determination of refugee status improved over the last decade, concerns remained regarding adjudication of cases of asylum seekers of certain religious and gender profiles with non-Apostolic Christian and non-Armenian backgrounds.

Access to Basic Services: Many refugees were unable to work or receive an education while their cases worked their way through the legal system, despite legal provisions protecting these rights.

Housing allocated to refugees was in limited supply, in poor condition, and remained, along with employment, refugees’ greatest concern. Many displaced families relied on a rental subsidy program supported by UNHCR and diaspora organizations. Authorities operated an integration house with places for 29 refugees and offered refugees accommodation free of charge during the first months after they acquired refugee status. Language differences created barriers to employment, education, and access to services provided for by law.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees residing on its territory. The SMS also offered integration programs to returnees from Western European countries who either voluntarily returned or were deported by the host country. On November 21, the government allocated 1.5 billion drams (\$3.2 million) for permanent housing to 112 refugee families who fled from Azerbaijan in the late 1980s and early 1990s.

g. Stateless Persons

According to official data, as of November 1, there were 929 stateless persons in the country, an increase from 801 in October 2018. The increase was believed to be related to the rising number of citizens renouncing their Armenian citizenship with the aim of obtaining citizenship elsewhere, particularly in the Russian Federation. In addition authorities considered approximately 1,400 refugees from Azerbaijan to be stateless as of July.

The law provides for the provision of nationality to stateless children born on the country’s territory.

Section 3. Freedom to Participate in the Political Process

The constitution and laws provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In December 2018 the country held snap parliamentary elections, preceded by a short and heated but free and competitive campaign with generally equal opportunities for contestants. Nikol Pashinyan’s My Step coalition won more than 70 percent of the vote and most seats in parliament; the Prosperous Armenia and Bright Armenia parties also won seats, with 8.3 percent and 6.4 percent of the vote, respectively. The OSCE/ODIHR December 2018 preliminary and March 7 final reports noted, “early parliamentary elections were held with respect for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms...The general absence of electoral malfeasance, including of vote buying and pressure on voters, allowed for genuine competition.” The final report noted, however, that although electoral stakeholders did not report any systematic efforts of vote buying and other electoral malfeasance, several interlocutors alleged that short-term contracting of a number of campaign workers and citizen observers was done, mainly by the Prosperous Armenia Party, possibly for the purpose of buying their votes.

ODIHR observers stated contestants “were able to conduct their campaigns freely; fundamental freedoms of association, assembly, expression and movement were fully respected.” At the same time, they emphasized that disinformation, as well as inflammatory exchanges between some candidates, on social networks, were noted during the campaign. Among the few issues that marred the electoral process, the observers noted, “The integrity of campaign finance was undermined by a lack of regulation, accountability, and transparency.” For example, organizational expenses such as for office space, communication, transportation, and staff were not considered election-related and therefore could remain unreported, “undermining the credibility of the reporting system and the transparency of information available to election stakeholders.” Other shortcomings highlighted by OSCE observers included the narrow legal standing for submitting electoral complaints.

Political Parties and Political Participation: The law does not restrict the registration or activity of political parties.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, but the patriarchal nature of society inhibited large-scale participation by women in political and economic life and in decision-making positions in the public sector. There were no female governors in the country's 10 regions; the first female mayor was elected in October 2018.

The OSCE's reports on the December 2018 parliamentary elections noted, all candidate lists met the 25 percent gender-quota requirement and that women accounted for 32 percent of the 1,444 total candidates. The OSCE stated, however, that this quota did not provide for the same proportion of representation of women in the parliament, as half of the seats are distributed according to preferential votes. Parties rarely featured women candidates in their campaigns; women only occasionally campaigned on their own and rarely appeared as speakers in rallies observed. Some women candidates were a target of disparaging rhetoric because of their gender.

There are government-mandated seats in the parliament for the country's four largest ethnic minorities: Yezidi, Kurdish, and the Assyrian and Russian communities. Four members of parliament represented these constituencies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption. After the May 2018 “Velvet Revolution,” the government opened investigations that revealed systemic corruption encompassing most areas of public and private life. The government launched numerous criminal cases against alleged corruption by former government officials and their relatives, parliamentarians, and in a few instances, by members of the judiciary and their relatives, with cases ranging from a few thousand to millions of U.S. dollars. Many of those cases continued as of year's end, and additional cases were reported regularly. The government also launched such cases against a few current government officials.

Corruption: The country has a legacy of systemic corruption in many areas, including construction, mining, public administration, the parliament, the judiciary, procurement practices, and provision of grants by the state. There were allegations of embezzlement of state funds, involvement of government officials in questionable business activities, and tax and customs privileges for government-linked companies. In 2018 the government made combatting corruption one of its top priorities and continued to take measures to eliminate it

during the year. Although top officials announced the “eradication of corruption” in the country, local observers noted that anticorruption measures needed further institutionalization. Criminal corruption cases were uncovered in the tax and customs services, the ministries of education and health care, and the judiciary.

According to the Prosecutor General’s Office, in the 13 months ending in June, enforcement bodies and tax services uncovered violations in the amount of 110.5 billion drams (almost \$230 million), constituting damages to the state, embezzlement, abuse of official duty, and bribes. Of this amount, 30.1 billion drams (\$63 million) was reportedly paid to the state budget; NGOs raised concerns regarding insufficient transparency in this process.

During the year former officials made public announcements of their intent to return assets to the state, allegedly to avoid prosecution. The process by which the government accepted or negotiated such arrangements were unclear.

In December 2018 the Prosecutor General’s Office launched a criminal case against former minister of nature protection and then member of parliament Aram Harutyunyan, for bribery in especially large sums. According to the Special Investigative Service, Harutyunyan misused his position as chair of the interagency tender commission on the establishment of mining rights over the parcels of lands containing minerals of strategic importance, receiving a bribe of \$14 million from a business owner in exchange for 10 special licenses for mineralogy studies in mines, further extension of those studies, and, subsequently, permission to exploit the mines. As of late November, Harutyunyan was in hiding from the prosecution.

Financial Disclosure: The law requires high-ranking public officials and their families to file annual asset declarations, which were partially available to the public on the internet. The law grants the Ethics Commission for High-Ranking Officials the powers and tools to partially verify the content of the declarations, including access to relevant databases and the mandate to impose administrative sanctions or refer a case to law enforcement authorities when elements of criminal offenses were identified. After the May 2018 change in government, the Ethics Commission imposed penalties on officials for filing incomplete or late declarations.

By law full verification of the data as well as other functions aimed at preventing corruption is carried out by the Commission on the Prevention of Corruption. The commission, an autonomous collegial body accountable to the parliament, is authorized to have five members who are appointed for a six-year term. It replaces the Ethics Commission for High-Ranking Officials and is broadly empowered to promote official integrity, support development of anticorruption policy, and conduct anticorruption awareness and training. On November 19, the National Assembly elected the five members of the Commission on the Prevention of Corruption by secret ballot; one member was nominated by the government, one by each of the three parliamentary factions, and one by the Supreme Judicial Council. A civil society leader nominated by an opposition party became the commission chairperson.

Under a law criminalizing illicit enrichment, many public officials, including judges and members of parliament and their spouses, disclosed large sums of unexplained income and assets, including large personal gifts and proceeds from providing loans. After the May 2018 change in government, authorities initiated several investigations of discrepancies or unexplained wealth identified in the declarations. On October 3, the government adopted an anticorruption strategy that, among other actions, envisages the creation of a separate special law enforcement body, to be called the Anti-Corruption Committee, by 2021.

Section 5. Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Abuses of Human Rights

Following the May 2018 change in government leadership, some civil society representatives joined the government. Others, however, continued to serve as watchdogs, scrutinizing the actions of the government. Domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Civil society organizations considered the government change a window of opportunity for closer collaboration. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Human Rights Defender (the ombudsperson) has a mandate to protect human rights and fundamental freedoms from abuse at all levels of government. The office improved its outreach to regions and collaboration with regional human rights protection organizations. During the year the office launched a public-awareness campaign on the procedures for reporting domestic violence. The office continued to report a significant increase in the number of citizen complaints and visits, which it attributed to increased public expectations and trust in the institution.

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

Women

Rape and Domestic Violence: Rape is a criminal offense, and conviction carries a maximum sentence of 15 years; general rape statutes applied to the prosecution of spousal rape. Domestic violence was prosecuted under general statutes dealing with violence and carried various sentences depending on the charge (murder, battery, light battery, rape, etc.). Law enforcement bodies did not effectively investigate or prosecute most allegations of domestic violence. Domestic violence against women was widespread. According to some officials, the absence of a definition of domestic violence in the criminal code hampered their ability to fight domestic violence. On October 10, the government approved a decision to create a centralized database for registering domestic violence cases.

There were reports that police, especially outside Yerevan, were reluctant to act in such cases and discouraged women from filing complaints. According to some NGO representatives, women alleging they had been raped were sometimes questioned concerning previous sexual experiences and subjected to a “virginity test.” In a few cases, if the rape victim was not a virgin, police dismissed the allegation. Most domestic violence cases were considered by law as offenses of low or medium seriousness, and the government did not hire enough female police officers and investigators for field work to address these crimes.

Following a June report published by the independent *Hetq.am* about a Czech woman who was sexually assaulted while in the country, independent journalist Lucy Kocharyan began posting anonymous stories of sexual violence survivors on Facebook that quickly went viral. The stories, sent to Kocharyan in private messages from real accounts, related cases of sexual harassment, rape, and molestation affecting men and women in both rural and urban settings, many of which had occurred when the victims were children. On July 6, police announced they could only look into reports that were specific and that they would need the victims to come forward to testify.

On May 9, police reported the death of Mariam Asatryan of Shahumyan village. According to the police report, Asatryan, who was pregnant at the time, was beaten to death with a rubber pipe and a wrench. The suspect detained for the killing, Hakob Ohanyan, was Asatryan's partner; media outlets reported he had subjected Asatryan to violence for two years. She had sought assistance from the Women's Support Center twice, initially after beatings causing a broken arm and many other injuries, and a second time after suffering two broken hands and additional injuries. She reported the crimes to police and was provided shelter. After Ohanyan reportedly intimidated her, however, she withdrew her complaints and law enforcement authorities dropped the case.

Activists and NGOs that promoted women's rights and equality were frequent targets of hate speech and criticized for allegedly breaking up “Armenian traditional families” and spreading “Western values.” In one case women's rights activist and Women's Resource Center (WRC) chairperson Lara Aharonyan became the target of an online hate campaign after giving a March 8 speech at a civil society-parliament event on gender equality. On March 11, after she and her family received threats that they would be raped and killed, Aharonyan asked police to investigate the threats. Police launched an investigation but suspended it pending a response to an international request to identify the internet protocol addresses of the anonymous users who made the threats. In a second case, the staff of the WRC Sexual Assault Crisis Center (SACC) also faced threats during the time leading up to and after the May 4 presentation of a book, *My Body is Private*, aimed at educating parents and children against sexual abuse. Nationalists ambushed the book presentation and threw eggs at organizers. They later terrorized SACC staff by calling their hotline and threatening to kill, rape, and burn them, causing the SACC to temporarily halt its activities. Minister of Labor and Social Affairs Zaruhi Batoyan—the only female cabinet member—condemned the incident, and then became a target of gender-based hate speech herself. Police refused to launch a criminal case, claiming lack of elements of a crime.

In July 2018 the 2017 Law on Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion went into effect. According to NGOs, the government lacked resources for the full implementation of the law. On October 1, *Aravot.am* online and daily published the account of a domestic violence victim who described as life-saving police actions removing her from an abusive family and credited the 2017 law as the basis for police intervention.

Sexual Harassment: Although the law addresses lewd acts and indecent behavior, it does not specifically prohibit sexual harassment. Observers believed sexual harassment of women in the workplace and the political arena was widespread and was not adequately addressed by the government, which did not have a functioning, all-encompassing labor inspectorate or other avenues to report such harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Men and women enjoy equal legal status, but discrimination based on gender was a continuing problem in both the public and private sectors. There were reports of discrimination against women with respect to occupation and employment. Women remained underrepresented in leadership positions in all branches and at all levels of government.

Socioeconomic factors, women's household responsibilities, as well as a lack of opportunities for women to gain leadership skills played a role in limiting women's political participation, as did their lack of access to the informal, male-dominated communication networks that form

the foundation of the country's politics. Women also lacked the necessary sponsorships and funds to build a political career. Even when elected, the visibility of female politicians was limited in the public domain.

Gender-biased Sex Selection: Despite legislative changes banning such practices and related public-awareness campaigns, data on newborns continued to indicate a skewed sex ratio. According to the Statistical Committee of Armenia, the boy to girl ratio at birth was 112 to 100 in 2018. Women's rights groups considered sex-selective practices as part of a broader problem of gender inequality in the country.

Children

Birth Registration: Children derive citizenship from one or both parents. A centralized system generated a medical certificate of birth to make avoidance of birth registration almost impossible. A low percentage of registered births occurred mainly in Yezidi and Kurdish communities practicing homebirths.

Education: Although education is free and compulsory through grade 12, in practice it was not universal. Children from disadvantaged families and communities and children with disabilities, lacked access to early learning programs, despite government efforts to raise preschool enrollment. According to the Statistical Committee, in 2018 nationwide gross preschool enrollment (of children up to age five) was 30.9 percent, including 36.6 percent in urban communities and 20.6 percent in rural communities. While there was some increase in rural enrollment, many remote rural communities, especially those with populations less than 400, did not have preschools. Enrollment and attendance rates for children from ethnic minority groups, in particular Yezidis, Kurds, and Molokans, were significantly lower than average, and dropout rates after the ninth grade were higher. UNICEF expressed concern regarding the integration into the local community of an increasing number of refugee children from Syria, Iraq, and Ukraine because of lack of proper support for addressing cultural and linguistic barriers.

A 2018 research project carried out by the NGO Bridge of Hope in collaboration with Enabling Education Network and OSF-Armenia's Early Childhood Program identified difficulties in the transition of children with disabilities and special education needs through different educational levels as well as from home to schooling and from school to independent living. According to the researchers, “the transition of children with disabilities and special education needs to high school or to a vocational education setting is particularly challenging, especially in remote areas. Many high schools and vocational institutions reported being unable to offer options to children with disabilities and special education needs due to limited funding and a lack of specialists to advise and support the teachers and learners. This means children with disabilities and special education needs often end their education at ages 15 or 16, without having the possibility of obtaining specific skills for entering the labor market and thus living independently.”

In a March report on monitoring the water and sanitation situation in 121 schools and 80 preschools throughout the country, the Ombudsman's Office raised concerns regarding poor sanitary conditions in many of the buildings and lack of accessible restrooms in most of them.

Child Abuse: According to observers, the government prioritized combatting violence against children and took steps to address it, despite insufficient official data on violence against children and gaps in legislation and practice. The Council of Justice for Children under the Ministry of Justice served as a multistakeholder platform to discuss and devise a multisectoral

and coordinated national action plan for the next three to five years. The law on prevention of violence within the family covered child victims of domestic violence, envisaging cooperation between police and social services in response to cases of domestic violence. While police began implementing the law in June 2018 through the application of protection measures, services available to victims and perpetrators alike were insufficient and did not cover the entire territory of the country, making the social services’ response to domestic violence ineffective.

Along with other internal reforms, in September the Investigative Committee expanded the responsibilities of its department investigating human and drug trafficking cases to cover investigating human trafficking, child sexual assault, and drug trafficking crimes. In April the Investigative Committee began receiving reports from the National Center for Missing and Exploited Children on potential cyber violence against minors, based on data generated from Armenian internet addresses.

On March 4, the Ombudsman’s Office published the preliminary results of monitoring visits to eight special schools and one night-care institution, noting the office had registered children that had no legal basis for being in the institutions, violence between and toward children, labor exploitation, and other violations. The government’s deinstitutionalization program was designed to address this issue. The Ministry of Labor and Social Affairs announced a call to establish 30 day-care centers throughout the country to provide support to children who have returned to their families.

Early and Forced Marriage: The legal minimum age for marriage is 18. Early marriage of girls was reportedly more frequent within Yezidi communities, but the government took no measures to document the scale or address the practice.

Sexual Exploitation of Children: The law prohibits the sexual exploitation of children and provides for prison sentences of seven to 15 years for conviction of violations. Conviction of child pornography is punishable by imprisonment for up to seven years. The minimum age for consensual sex is 16.

According to NGOs, although official statistics showed relatively few cases of sexual exploitation and sale of children, there were numerous undetected and unreported cases caused by gaps in legislation, training, awareness raising, detection, and reporting.

Institutionalized Children: In 2017 the family code was amended to allow for more family-based alternatives for institutionalized children, such as diversification of foster care and improved provisions on adoption; the amendments entered into force in the middle of 2018, resulting in a quadrupling in state funding for foster care. Transformation of residential institutions for children in difficult life circumstances and those without parental care also continued. Except for children with disabilities, the number of institutionalized children continued to decrease.

The government, with support from international organizations and other partners, decreased the number of children in residential care from 2,900 in January 2018 to 2,400 in December 2018. Most children returned to their biological or extended families, while smaller numbers were provided with alternative family and community-based options. The government continued support for the development of foster care services. In part due to a fourfold increase in funding for foster care in 2018, the number of foster families funded by the state—which had been stable for more than 10 years—increased from 25 to 45 (as of August).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>).

On November 14, the NSS announced that it had uncovered an organized crime ring that dealt in illegal adoption, resulting in the sale of more than 30 children to foreigners. According to the press release, the suspects used blackmail, coercion, and fraud to force mothers in vulnerable social situations to carry pregnancies to term and to give up their newborns. In some cases mothers were told that the children were born with grave health problems or were stillborn. The group first transferred the children to orphanages and then falsified documents to permit adoptions by foreign families (local law prioritizes local adoption). The investigation continued at year's end.

Anti-Semitism

Observers estimated the country's Jewish population at between 500 and 1,000 persons. As of early December, no anti-Semitic acts had been reported during the year, although some anti-Semitic comments appeared in social media, smearing government representatives and activists. The government did not condemn such anti-Semitic comments.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

Persons with Disabilities

The law prohibits discrimination against persons with any disability in employment, education, and access to health care and other state services, but discrimination remained a problem. The law and a special government decree require both new buildings and those that are renovated, including schools, to be accessible to persons with disabilities. Very few buildings or other facilities were accessible, even if newly constructed or renovated. Many public buildings, including schools and kindergartens, were inaccessible. This inaccessibility also deterred persons with disabilities from voting, since these buildings often served as polling stations during elections.

Although the law on general education provides for a transition from general education to inclusive education for children with disabilities by 2025, and despite the increasing trend towards inclusive education, practices on the ground continued to be fragmented and discriminatory and did not lead to an extensive and sustainable change of the education system and social norms. Many NGOs continued to report that schools lacked physical accessibility and accessible learning materials and made limited effort to provide reasonable accommodations for children with disabilities in mainstream schools. The revised funding formula covered teaching assistants' salaries but not reasonable accommodations for children with disabilities. Inclusive teacher education programs were largely donor funded, did not equip teachers to permanently change their practices, and were not incorporated into state

teacher education policy. As a result in a majority of cases, children with disabilities were physically present in integrated classrooms but did not have the tools to participate fully in learning.

Persons with all types of disabilities continued to experience discrimination in every sphere, including access to health care, social and psychological rehabilitation, education, transportation, communication, employment, social protection, cultural events, and use of the internet. Lack of access to information and communications was a particularly significant problem for persons with sensory disabilities. Women with disabilities faced further discrimination, including in social acceptance and access to health and reproductive care, employment, and education, due to their gender.

Hospitals, residential care, and other facilities for persons with more significant disabilities remained substandard.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities. Since the 2018 political transition, the ministry has been in the process of internal restructuring to optimize the use of its resources to address the needs of persons with disabilities and other vulnerable groups more effectively. While the process was not finalized as of mid-December, budget reallocations had already resulted in providing more resources for persons with disabilities. For example, on August 15, the ministry announced it was able to procure 1,253 pieces of additional equipment for persons with disabilities. During the year issues of physical accessibility became part of broader public debates, for example, the public discussion of the development of a new transportation system for the capital.

During the year the Ministries of Labor and Social Affairs and Health and the charitable NGO Bari Mama signed a memorandum of cooperation to prevent abandonment and institutionalization of children with disabilities and to provide for the right of a child to live in a family, with a view to strengthening the capacities of social service professionals (neonatologists, nurses, social workers, caregivers, etc.) and improving families' abilities to care for children with disabilities at home. UNICEF supported the process through capacity development and awareness raising.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws do not extend protections to LGBTI persons on the basis of sexual orientation or gender identity. There were no hate crime laws or other criminal judicial mechanisms to aid in the prosecution of crimes against members of the LGBTI community. Societal discrimination based on sexual orientation and gender identity negatively affected all aspects of life, including employment, housing, family relations, and access to education and health care. Anti-LGBTI sentiments and calls for violence escalated during periods of political activism. Many politicians and public figures, supporters of the former government in particular, used anti-LGBTI rhetoric, often positioning LGBTI persons as a “threat to national security.” Transgender persons were especially vulnerable to physical and psychological abuse and harassment.

Throughout November, after it became known that the government had cofunded a documentary regarding the life of transgender weightlifting champion Mel Daluzyan, the government and Daluzyan, who lived in the Netherlands, came under significant media attack. On November 13, Prime Minister Nikol Pashinyan condemned the hateful rhetoric against Daluzyan in an address to the National Assembly.

During the first half of the year, the human rights NGO PINK documented 24 cases of discrimination on grounds of sexual orientation and gender identity, as compared with 25 such cases reported throughout 2018. During the first half of the year, PINK also documented seven cases of violence and threats.

On November 2, former government supporters and traditional values advocates used anti-LGBTI slurs as they forcefully disrupted a street art performance in downtown Yerevan that they called feminist, satanic, and perverse (see section 6, Other Societal Violence or Discrimination).

In 2018 the NGO Right Side conducted the first survey on hate crimes against transgender persons, identifying 100 cases of hate-motivated violence in a 12-month period during 2016-17. Most incidents took place in public spaces, usually at night. Victims reported they were more likely to seek support from friends or LGBTI NGOs than from a victim support group or medical professionals. Only a small number of respondents said police were supportive. According to human rights groups, transgender women faced many barriers to accessing medical counseling and treatment, from lack of awareness to outright discrimination by medical personnel.

During April 5 public hearings before parliament on the *UN Universal Periodic Review* of the country's human rights situation, Lilit Martirosyan, the chairperson of the NGO Right Side and an activist for transsexual persons, addressed hate crimes committed against transgender persons. In reaction, hearing organizer Naira Zohrabyan, a Prosperous Armenia (PA) Party member of parliament and head of the Standing Committee on Protection of Human Rights and Public Affairs, declared that the speech was out of line with the hearing agenda and asked Martirosyan to leave the hall. Zohrabyan, who later came under attack for allowing Martirosyan to “desecrate” parliament with her presence, declared that the speech was a provocation and that she considered it a great insult to parliamentarians. Other parliamentarians made similar and stronger homophobic remarks during the following days. For example, PA Party parliamentarian Vardan Ghukasyan stated such individuals should be burned, while another PA member of parliament, Gevorg Petrosyan, publicly committed to fighting “sexually deviant” persons. On social media, some users called for the physical extermination of LGBTI individuals, and there were small protests around the parliament building. After an individual posted Martirosyan's home address on Facebook, protests around her building forced her to remain in hiding in her apartment for days. She applied for and received police protection and noted law enforcement bodies were very supportive.

The 2018 case against a transgender person on charges of hooliganism (punishable if convicted by up to seven years in prison) continued. The transgender person remained in pretrial detention for more than a year while her health deteriorated. On August 1, the trial court judge denied a motion to modify the detention. The criminal case filed against police for allegedly torturing the defendant during her arrest was dropped, citing the absence of a crime.

During the year PINK appealed a December 2018 court decision to drop the criminal case against the perpetrators of an attack by Shurnukh village residents on LGBTI activists in August 2018. In February the trial court of Syunik region granted the appeal, and on October 25, the prosecutor's office sent the case for further investigation to the regional branch of the investigative committee.

Openly gay men are exempt from military service. An exemption, however, requires a medical finding based on a psychological examination indicating an individual has a mental disorder; this information appears in the individual's personal identification documents and is an obstacle to employment and obtaining a driver's license. Gay men who served in the army reportedly faced physical and psychological abuse as well as blackmail.

On March 25, *Epress.am* published the story of A.A., detailing his account of getting an exemption from military service due to his sexual orientation. The experience included a mandatory check in a psychiatric hospital that violated his confidentiality as well as physical violence at the final round of examination, when the examination committee head Henrik Muradyan verbally assaulted A.A. and hit him in the face while the 15-person committee verbally abused him. A.A. received a formal diagnosis of having a psychiatric illness. Observers noted that diagnosis codes used in these cases are codes for actual psychiatric diseases—such as schizophrenia or cerebral cortex damage—that, while relieving men from mandatory military service, also impose a number of legal limitations.

HIV and AIDS Social Stigma

According to human rights groups, persons regarded as vulnerable to HIV/AIDS, such as sex workers (including transgender sex workers) and drug users, faced discrimination and violence from society as well as mistreatment by police. Such discrimination was especially noticeable when HIV-positive persons sought medical care. On August 14, the local NGO Real World, Real People reported the case of a clinic in the Shirak region that refused to register a pregnant woman who was HIV positive. According to a June 2018 UN Human Rights Council report by the rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, stigma and discrimination in health-care settings were major barriers to accessing treatment and services for persons living with HIV/AIDS. According to Real World, Real People, women living with HIV/AIDS faced double discrimination and were more at risk of becoming the subject of physical and psychological violence in their families.

Other Societal Violence or Discrimination

On November 2, former government supporters and traditional values advocates disrupted a street art performance in downtown Yerevan aimed at challenging views of appropriate female behavior in public. The project was implemented with the support of the Ministry of Education, Science, Culture, and Sport and had received permission from municipal authorities to use a public venue. The protesters disrupted both the dress rehearsal on November 1 and the performance the following day. They called the performance feminist, satanic, and perverse, used anti-LGBTI slurs, cut off the electricity to the show's equipment, played loud traditional music, and pushed the dancers around. Police detained one of the protesters.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of all workers to form and to join independent unions, except for noncivilian personnel of the armed forces and law enforcement agencies. The law also provides for the right to strike, with the same exceptions, and permits collective bargaining. The law mandates seven days' notification and mandatory mediation before a strike, as well as the

agreement of two-thirds of the workforce obtained in a secret vote. The law stipulates that worker rights may not be restricted because of membership in a union. The list of justifiable grounds for firing a worker, enumerated in the labor code, does not include union activity.

In 2018 a law on government structure came into force changing the Health Inspection Body, which was tasked with ensuring the health and occupational safety of employees, to the Health and Labor Inspection Body (HLIB). The HLIB had limited authority to conduct occupational safety and health inspections during that time. There were no other state bodies with inspection responsibilities to oversee and protect the implementation of labor rights. The government did not effectively enforce laws on freedom of association and collective bargaining and has not established which entity should have responsibility for enforcing these laws. On December 4, the National Assembly adopted changes to the labor code reviving the state oversight function of the HLIB and penalties for labor code violations to come into effect in July 2021.

Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Experts reported that the right to strike, although enshrined in the constitution, is difficult to realize due to mediation and voting requirements. Following the “Velvet Revolution,” trade unions emerged in the areas of education and research institutions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced and compulsory labor, although it does not define forced labor. While the government effectively prosecuted labor trafficking cases, resources, inspections, and remediation were inadequate to identify forced labor cases at large due to absence of an effective labor inspection mechanism. Penalties for labor trafficking were sufficiently stringent to deter violations.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies designed to protect children from exploitation in the workplace. The law prohibits all of the worst forms of child labor. In most cases the minimum age for employment is 16, but children may work from age 14 with permission of a parent or a guardian. The law allows children younger than 14 to work in the entertainment sector. The maximum duration of the workweek is 24 hours for children who are 14 to 16 and 36 hours for children who are 16 to 18. Persons younger than 18 years may not work overtime; in harmful, strenuous, or dangerous conditions; at night; or on holidays. Authorities did not effectively enforce applicable laws. Penalties were insufficient to enforce compliance. The absence of worksite inspections conducted at the national level impeded the enforcement of child labor laws.

According to the *Armenian National Child Labor Survey 2015 Analytical Report*, conducted by the Statistical Committee and the International Labor Organization, 11.6 percent of children between ages five and 17 years were employed. Most were involved in the agriculture, forestry, and fishing sectors, while others worked in the sectors of trade, repair, transport, storage, accommodation, and food services. Children were also involved in the trade of motor fuel, construction materials, medication, vehicle maintenance and repair works. According to the

survey, 39,300 children were employed, of whom 31,200 were engaged in hazardous work, including work in hazardous industries (400 children), in designated hazardous occupations (600 children), work with long hours (1,200 children), work that involved carrying heavy loads and distances (17,200 children) and, other forms of hazardous work (23,600 children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> (<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>).

d. Discrimination with Respect to Employment and Occupation

The constitution and the labor code prohibit discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, political opinion, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. Other laws and regulations specifically prohibit discrimination in employment and occupation based on gender. The government did not effectively enforce the law. There were no effective legal mechanisms to implement these regulations, and discrimination in employment and occupation occurred based on gender, age, presence of a disability, sexual orientation, HIV/AIDS status, and religion, although there were no statistics on the scale of such discrimination. Administrative penalties were not sufficient to deter violations.

Women generally did not enjoy the same professional opportunities or wages as men, and employers often relegated them to more menial or lower-paying jobs. While providing for the “legal equality” of all parties in a workplace relationship, the labor code does not explicitly require equal pay for equal work. According to a gender-gap study by the UN Population Fund, *Diagnostic Study of Discrimination against Women*, released in 2016, the gap between the average salaries of men and women in all economic spheres was almost 36 percent. The International Monetary Fund cited the gender pay gap in the country as being strikingly large. According to World Bank data released in 2016, more than one-half of women with intermediary education and one-third of women with advanced education did not participate in paid work. According to the 2017 World Bank study, *Leveling the STEM Playing Field for Women*, “cultural stereotypes about the work women should engage in and their responsibilities at home present the strongest barrier to equality between women and men” in the country. Women also represented a larger share of the registered unemployed, and it took them a longer time to find work.

Many employers reportedly practiced age and gender discrimination, most commonly requiring job applicants to be of a specific gender, age, and appearance. Such discrimination appeared to be widespread, but there were no reliable surveys, and authorities did not take any action to mitigate it. While there was little awareness of and no comprehensive reporting to indicate the scale of sexual harassment in the workplace, media reports suggested such abuse was common. Vacancy announcements specifying young and attractive women for various jobs were common. Unemployed workers, particularly women, who were older than 40 had little chance of finding jobs appropriate to their education or skills. LGBTI persons, persons with disabilities, as well as pregnant women also faced discrimination in employment. Religious minorities faced discrimination in public employment.

e. Acceptable Conditions of Work

The established monthly minimum wage was above the poverty income level. The law provides for a 40-hour workweek, 20 days of mandatory paid annual leave, and compensation for overtime and nighttime work. The law prohibits compulsory overtime in excess of four hours on two consecutive days and limits it to 180 hours in a year. The government established occupational and health standards by decree.

Authorities did not effectively enforce labor standards in either the formal or the informal sectors. According to lawyers, workers’ rights remained unprotected due to the absence of a viable labor inspection regime and lack of independent trade unions. While administrative courts were mandated to rule on labor-related cases within three months, few employees sought to apply to courts to reinstate their rights, due to legal costs, the complexity of the application process, as well as distrust of the judiciary. It was unclear if the overloaded courts were able to meet the legally required three-month window for those labor disputes that were submitted.

Many employees of private companies, particularly in the service and retail sectors, were unable to obtain paid leave and were required to work more than eight hours a day without additional compensation. According to representatives of some employment agencies, many employers also hired employees for an unpaid and undocumented “probationary” period of 10 to 30 days. Often employers subsequently dismissed these employees, who were then unable to claim payment for the time they worked because their initial employment was undocumented. According to a 2018 survey carried out by the local NGO Advanced Public Research Group, among 800 respondents only 47.7 percent of those employed by small businesses (20 percent of the respondents) had contracts. The survey also revealed problems related to inability to take paid annual leave and lack of compensation for overtime work.

Managers of enterprises that were the primary employers in certain poor geographic areas frequently took advantage of the absence of alternative jobs and did not provide adequate pay or address job safety and environmental concerns. As of 2017 nearly one-half of all workers found employment in the informal sector. According to official statistics, the government’s anticorruption efforts and active efforts by the tax authorities have led to a notable increase in the number of officially registered employees in the country.

In November 2018 the NGO Helsinki Committee of Armenia presented the results of a study conducted in 2017 on labor rights of teachers working in public schools that found problems with working conditions in terms of safety and health. Some teachers said they did not feel protected from psychological pressure exerted by the school administration and teachers hired to work through nepotism. Approximately one-half of the teachers had to find students to enroll in the schools and some had to ensure the participation of children in political events. According to the teachers, the least protected teachers in their schools were representatives of religious minorities, LGBTI teachers, and former convicts. There were several reports after the revolution that teachers who had voiced corruption concerns regarding school principals faced retribution and were fired. On June 11, a new trade union of teachers (Education and Solidarity) was registered.

During the past several years, there were consistent reports of labor law violations at the company formerly responsible for waste collection in Yerevan, but there were no reports that authorities imposed penalties on the company as a result. Safety and health conditions remained substandard in numerous sectors, and according to official information there were 16 fatal workplace incidents during the year. In light of high unemployment in the country,

workers generally did not remove themselves from situations that endangered their health or safety. Authorities offered no protection to employees in these situations, and employees generally did not report violations of their rights.

On July 2, the workers of the Agarak Copper Molybdenum Mine began protests demanding compensation for overtime and for especially heavy and dangerous work, improved working conditions, and the provision of a safe working environment. According to media reports, after a long history of unaddressed grievances, the July protests were triggered by the refusal of mine leadership to address life-threatening stone falls and the demand that miners continue working despite the risk to their lives. The mine leadership claimed the strikes were illegal and demanded that protest organizers provide explanations for absence from work.

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