

# **ARMENIA 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Armenia's constitution provides for a republic with an elected head of state and a unicameral legislature, the National Assembly. The Republican Party of Armenia (RPA) held a majority in the National Assembly, and with President Serzh Sargsyan as leader, continued to dominate the country's political scene. The country held a presidential election in February 2013 and legislative elections in 2012. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) described the presidential election as administered in an overall professional, open, and transparent manner with respect for fundamental freedoms but marked by shortcomings, including an uneven playing field, some serious election-day violations, and concerns about the integrity of the electoral process. Similar flaws marred the 2012 parliamentary elections, in which the OSCE also found credible allegations of vote buying, deficiencies in the complaints and appeals process, and continued shortcomings in the electoral code despite improvements. Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven other Azerbaijani territories. Largely as a result of the unresolved conflict over Nagorno-Karabakh, 622,892 persons remained displaced in Azerbaijan, according to the UNHCR. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by Russia, the United States, and France. There was an increase in violence along the Line of Contact and the Armenia-Azerbaijan border. Military actions in July, August, and the fall resulted in the highest number of deaths in one year since the signing of the 1994 ceasefire agreement." Authorities maintained effective control over security forces.

The most significant human rights problems during the year were systemic corruption and lack of transparency in government, the limited independence of the judiciary, and limitations on the ability of citizens to change their government. Allegations of persistent corruption at all levels of government undermined the rule of law, although the government took limited steps to punish corruption by low- and mid-level officials. Lack of transparency in government impeded the public's ability to hold officials accountable for their actions. The executive branch continued to subject the courts to political pressure, resulting in some politically motivated prosecutions and sentencing, and the Court of Cassation exercised considerable control over judges' decisions at all levels. There continued to be reports of vote buying and large-scale abuse of administrative resources by the

ruling RPA aimed at sustaining its electoral majorities at both the national and local levels.

Other reported abuses included suspicious deaths in the military under noncombat conditions and continued hazing and other mistreatment of conscripts by officers and fellow soldiers. Perpetrators were not held accountable for such actions even though authorities made efforts to improve discipline within the armed forces, including by utilizing the country's civilian legal system to enforce military laws and regulations and giving human rights training to officers and commanders. Police allegedly continued to employ torture to obtain confessions and reportedly beat citizens during arrest and interrogation. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily. Trials were often lengthy, and courts failed to enforce laws providing for fair trials. Authorities did not adequately enforce laws prohibiting government intrusion on privacy and unlawful searches. Traditional media lacked diversity of political opinion and objectivity of reporting, and there were several incidents of violence toward journalists in connection with citizens' protests throughout the year. Government restrictions affected some minority religious groups, although most registered religious groups reported no significant legal impediments to their activities. Members of religious minorities suffered from societal discrimination. Domestic violence remained a problem but largely went unreported to authorities. A significant imbalance in the ratio of boys to girls at birth pointed to gender-biased sex selection. Human trafficking was a problem, but authorities made efforts to combat it. Persons with disabilities experienced discrimination in almost all areas of life. Military and prison authorities subjected lesbian, gay, bisexual, and transgender (LGBT) persons to abuse and discrimination; societal discrimination against them also was a problem. Society stigmatized persons living with HIV/AIDS. The government limited workers' rights and weakly enforced labor laws.

Although the government took some steps to punish officials in the security forces and elsewhere, officials often continued to commit violations with impunity. As of year's end, authorities did not hold anyone accountable for the 10 deaths that occurred following postelection clashes in 2008.

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. For example, on May 10, the media reported the death of a 19-year-old conscript, Nerses Karapetyan, from a gunshot wound to his head. A forensic examination of Karapetyan's body ruled out the possibility of suicide. According to Karapetyan's family, the commander of his army company, Captain Garegin Asryan, harassed and threatened Karapetyan shortly before his death. Asryan reportedly demanded that Karapetyan, who served as a driver, pay for 21 gallons of gasoline missing from their unit, and Karapetyan refused. According to the family, unit leaders sold gasoline for personal profit and made conscripts pay to cover the loss. Media reported the Ministry of Defense charged Asryan with harassing and humiliating Karapetyan as well as breaching combat-duty rules and forging documents. Authorities charged another person from the same unit, Sergeant Edgar Manukyan, with breaching combat-duty rules and forging documents. According to the Ministry of Defense, these charges were unrelated to the killing. An investigation continued into the circumstances of the death, with Asryan and Manukyan remaining free pending the outcome of the investigation. As of November 17, the investigation was continuing.

Human rights observers continued to assert that authorities presented sanitized versions of reported incidents of hazing and death in the military and then focused their follow-up investigations on reinforcing the initial versions. According to observers the armed forces in most cases declined to punish those responsible. According to the nongovernmental organization (NGO) Helsinki Association, investigators, prosecutors, and courts at all levels worked as a system to conceal the real perpetrators of deaths in the military services. Courts reportedly upheld, and prosecutors defended, indictments based on investigations during which investigators illegally detained and forced suspects and witnesses, through physical and psychological abuse, to provide false testimony. Investigators reportedly destroyed or replaced physical evidence and fingerprints.

On March 24, a trial court sentenced each of the six defendants charged in the 2012 death of military doctor Vahe Avetyan to 12 years in prison. The defendants, who were security guards and personnel of a restaurant owned by a former RPA member of the National Assembly, Ruben Hayrapetyan, attacked and beat Avetyan and four others. Lawyers representing Avetyan's family alleged authorities deliberately conducted a cursory and incomplete investigation and failed to identify all of the participants of the attack. On June 23, the court of appeals upheld the verdict.

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven other Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by Russia, the United States, and France. There was an increase in violence during the year along the Line of Contact and the Armenia-Azerbaijan border. Military actions in July, August, and the fall resulted in the highest number of deaths in one year since the signing of the 1994 ceasefire agreement.

Authorities did not hold anyone accountable for the deaths of eight civilians and two police officers in the aftermath of the 2008 presidential election. On March 10, the RPA majority in the National Assembly voted against the establishment of an ad hoc parliamentary commission to look into the legality of the actions of police, Prosecutor's Office, and the Special Investigative Service (SIS) in investigating the 2008 postelection unrest.

#### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

While the law prohibits such practices, there were reports that members of the security forces continued to engage in such abuses regularly. The criminal code prohibits the use of violence by government officials. For example, it bans forced confessions and the abuse of official authority. The definition of torture in the criminal code, however, does not include acts by government officials. The courts have never convicted a public official on torture charges.

Abuse by police during arrest, detention, and interrogation remained a significant problem. According to human rights NGOs, victims did not report most cases of police mistreatment due to fear of retaliation. Most abuses reportedly took place in police stations, which were not subject to public monitoring, rather than in prisons and police detention facilities, which were subject to monitoring. According to NGOs many individuals whom authorities transferred to prisons from police facilities alleged police tortured, abused, and intimidated them while they were in police custody, mainly to extort confessions.

The NGO Helsinki Association for Human Rights continued to provide legal support to Karen Kungurtsev, who was in detention and under investigation for the October 2013 killing of 15-year-old David Hovakimyan in Vanadzor. According to media reports, police beat and threatened Kungurtsev in the Lori regional police station in an unsuccessful attempt to make him confess. Kungurtsev's lawyers claimed authorities failed to carry out an adequate investigation of the allegations of police abuse. According to official information, the police internal inquiry did not corroborate that abuse occurred, and officials claimed Kungurtsev caused the existing physical injuries on his arm by scratching himself.

Authorities made no progress in addressing the March 2013 findings presented in a UN Children's Fund (UNICEF) study on the mistreatment and torture of juveniles in the juvenile justice system. The study described mistreatment that extended from their initial apprehension through the completion of their sentences. Interviews with 86 juveniles revealed that the most common forms of mistreatment were beating and other physical pressure exerted by police to extort confessions. According to the report, juvenile victims were reluctant to report mistreatment because they did not trust the system and feared retaliation.

There also was no progress in addressing mistreatment of detained persons at police stations. A May 2013 survey by the Helsinki Committee of Armenia revealed a pattern of psychological pressure and physical abuse by police in both the capital, Yerevan, and the regions. Police reportedly forced many detainees to refuse the services of lawyers. The surveyors' conversations with judges and law enforcement officials revealed that investigators viewed confessions obtained through violence as the most effective way of solving crimes.

In June the Public Observer's Group of Police Detention Facilities (POG), a coalition of NGOs that inspected police detention cells with permission of the authorities, released its annual report covering 2013. According to POG findings, police continued to subject persons they detained and arrested to inhuman and degrading treatment, punishment, and abuse. The report noted that, based on registries, almost 33 percent of persons admitted to police detention facilities in Yerevan had physical injuries. In the regions outside Yerevan, the proportion was 12 percent. According to the POG, the lower figure was due to underreporting rather than better treatment. While police usually claimed arrestees received their injuries before authorities took them into custody, the POG dismissed such claims, noting the similar nature of injuries. The POG also concluded that police used arrest itself as a form of punishment, since, according to its data for 2013, police

released 40.4 percent of those arrested in Yerevan and 38.7 percent in the regions without charging them with a crime.

In 2012 the UN Human Rights Committee expressed concern about the absence of a genuinely independent mechanism to investigate allegations of torture or other mistreatment in detention facilities as well as about the low number of prosecutions of such cases.

Substandard living conditions, corruption, and commanders' lack of accountability continued to contribute to mistreatment and noncombat injuries.

Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed corrupt officials controlled military units, and human rights monitors and the ombudsman reported the government continued to conscript soldiers with serious health conditions that should have disqualified them from service. The Ministry of Defense made efforts to improve discipline in the armed forces, such as utilizing the country's civilian legal system to enforce military laws and regulations and giving human rights training to officers and commanders.

### **Prison and Detention Center Conditions**

Overcrowding, inadequate sanitary conditions and medical care, and corruption remained problems in prisons, and conditions in some cases were harsh and life threatening.

Physical Conditions: The average prison population during the first nine months of the year was 3,933. The capacity of all penal institutions was 4,395. On November 17, the Abovian penitentiary for women and juveniles held 168 women and 14 juveniles (none of them girls). There were no separate facilities for female juvenile convicts, mainly because female juvenile convicts were rare. When there were such convicts, authorities held them together with adult women. Inmates at the Abovian penitentiary lived in large dormitories, with women housed separately from juvenile boys. According to domestic observers, the group arrangement for women generated worse conditions than those at penitentiaries where inmates had separate cells.

According to the POG's 2013 report, overcrowding in police detention cells and the use of these cells as holding centers for pretrial detainees remained problems. Outside of Yerevan pretrial detainees outnumbered arrestees in such cells by more

than two to one, 1,693 of the former compared to 719 of the latter. While the report covered police detention cells, police stations were not included because authorities did not permit the POG to monitor police stations.

According to official data, there were 29 deaths in prisons during the first nine months of the year, with the cause of death listed as illness and suicide in 26 and three cases, respectively. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing health care to inmates contributed to the death rate. Human rights observers also noted there was no proper investigation of these deaths.

Prisons had connections to local potable water supplies but experienced occasional service disruptions. According to the Prison Monitoring Group's (PMG) 2011-12 report, released in February, 40 percent of prisoners surveyed stated there was no running water in the cell for washing hands, and half of those said there was no opportunity to wash their hands at all.

There was no government response to the Helsinki Committee of Armenia's 2013 findings on prison conditions. The report, based on interviews with former convicts, described corruption as rampant and affecting every aspect of prison life. It concluded that authorities at all levels lacked the political will to improve the system significantly. According to the report, in 2013 some cells with 10 to 12 beds held up to 24 persons, with some prisoners sleeping on the floor or in chairs. Of the 33 former prisoners interviewed, 20 developed health complications during their incarceration. The former inmates claimed prison food was inedible, and inmates generally relied on food provided by relatives. Inmates also had to buy products for personal hygiene or obtain them from outside the prison. Medical services were poor, and prisoners received medical attention only when in grave condition.

The prison system, while formally under the Ministry of Justice, remained outside the ministry's control; the president appointed the chief of the penitentiary system directly.

According to the PMG's February report, physical violence and degrading treatment were common in penitentiaries. According to the Helsinki Committee, solitary confinement and beating with batons were the most common forms of punishment. Prisoners lacked effective mechanisms to report problems with their confinement. Prisons lacked accommodations for inmates with disabilities.

Administration: No information was available concerning the adequacy of recordkeeping. There were no reports indicating authorities employed alternative sentencing for nonviolent offenders, although they allowed early release, release on parole, and occasionally amnesty. Human rights activists and attorneys continued to voice concern over the performance of the commissions on early release and release on parole. The absence of an appeal mechanism, the lack of criteria for decision making, and the overrepresentation of law enforcement representatives on the commissions also remained obstacles to due process. According to the Helsinki Committee report, former inmates attested that prisoners needed to pay substantial bribes to secure early release.

The PMG reported that the number of petitions to the early release commissions increased every year, while the number of approvals declined. According to the PMG, the commissions granted an average of only 5 to 6 percent of the petitions addressed to it. The PMG member from the Helsinki Citizens Assembly Vanadzor (HCAV), Arayik Zalyan, stated that early release commissions met applicants for only one or two minutes and relied on statements by prison administration officials, which were formulaic and similar to each other. Zalyan reported the commissions rejected applications from persons incarcerated for certain crimes without the formal hearing in a clear manifestation of discrimination. In the view of the Helsinki Committee, prison administrations and early release commissions were interested in retaining large inmate populations, despite overcrowded conditions, to receive more money from the state budget and to continue to extort bribes from convicts.

The PMG continued to report to the Ministry of Justice about convicts whose deteriorating health, in the PMG's view, qualified them for early release on medical grounds, but who remained in prison. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act and did not have established procedures.

Human rights organizations and the human rights defender's office continued to raise concerns that convicts and detainees did not always have reasonable access to visitors, since overcrowded conditions and lack of suitable space deprived them of even their minimal visitation entitlement. Prisoners could engage in religious observance.

Prisons did not have ombudsmen. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhuman conditions, although the prevalence of such censorship was



unknown. By law censorship of the communications of pretrial detainees requires a court order. According to human rights organizations, prison administrators censored the letters of detainees in numerous cases without judicial oversight, and authorities did not investigate credible allegations of inhuman conditions. According to the Helsinki Committee of Armenia's report on prison conditions, prisoners could send uncensored letters if they paid a bribe.

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. They could speak to prisoners privately. The government permitted the International Committee of the Red Cross to visit both prisons and pretrial detention centers.

Improvements: On November 29, the government opened the first wing (of the planned three wings) of a new prison in Armavir. Built to meet international standards, the opened wing had a capacity of 400 inmates.

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

The law prohibits arbitrary arrest and detention. Although authorities generally complied with the legal requirement that judges review detentions, judges were often reluctant to challenge prosecutors' requests to detain individuals or to review police conduct during arrests.

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

The national police force is responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The president appoints the heads of both organizations, and they report directly to him.

Impunity was a problem, and there was no independent mechanism dedicated to investigating police abuse. In 2012 the UN Human Rights Committee expressed concern about the lack of accountability of law enforcement officers in cases of excessive use of force and the lack of an independent mechanism for investigating police abuse.

Citizens may sue police, but this avenue was limited. Prior to trial defendants have the legal right to file complaints alleging that law enforcement personnel abused

them in the course of an investigation, but they must obtain permission from police or the prosecutor's office to undergo the forensic medical examination necessary to substantiate an accusation of physical abuse legally. Human rights organizations continued to report that authorities rarely granted such permission or delayed it until physical signs of abuse were no longer visible. NGOs reported judges routinely ignored defendants' claims that authorities coerced their testimony through physical abuse.

Corruption, selective application of the law, and impunity for powerful officials and those related to them were problems. In multiple instances law enforcement bodies refused to prosecute high-profile cases involving individuals linked to the government or were very lenient towards the perpetrators. On June 1, according to media reports, Sedrak Osipyan, nephew of Yerevan Deputy Police Chief Valeriy Osipyan, stabbed Vanush Alexanyan following a street dispute. Alexanyan underwent surgery and lost his spleen. Human rights defenders claimed Colonel Osipyan covered up his nephew's crime, allowing him to flee and avoid arrest. Smbul Hovhannisyan, the mother of a witness in the case, told Radio Liberty that Valeriy Osipyan tried to persuade her own son to take the blame for the stabbing in order to clear his nephew. On June 3, Sedrak Osipyan was placed on the wanted list, but according to a July 29 Radio Liberty report, police posted his photograph on their website's wanted page only after Radio Liberty pointed out that the photograph was missing. Police claimed the delay was due to technical problems. The SIS originally refused to investigate media reports that Valeri Osipyan abused his power, but on June 27, it announced it had opened an investigation, only to drop it on October 16 on the grounds that Osipyan's actions did not constitute a crime.

There was no progress in conducting a credible investigation into the role of Surik Khachatryan, the former governor of Syunik--or of his family and staff--in the June 2013 shooting that killed Avetik Budaghyan and seriously injured his brother, military commander Artak Budaghyan, and Khachatryan's bodyguard. In May investigators charged Artak Budaghyan with threatening to kill, inflict heavy damage on another's health, or destroy property. According to Budaghyan's lawyer, the investigators managed their inquiry with the goal of clearing the Khachatryan family of any responsibility in the events and portraying their actions as self-defense. On September 25, the government reappointed Surik Khachatryan as governor of Syunik.

Police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent abuse.

## **Arrest Procedures and Treatment of Detainees**

Although the law requires warrants or reasonable suspicion for arrests, authorities on occasion detained and arrested criminal suspects without arrest warrants and without reasonable suspicion. By law an investigative body must either formally arrest or release an individual within three hours of taking the person into custody. Within 72 hours the investigative body must release the arrested person or bring charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants. Police routinely summoned individuals and held them longer than three hours without formally arresting them, under the pretext that they were material witnesses rather than suspects. Domestic observers contended police did not label summoned persons as suspects to avoid the legal requirement to grant them the rights of suspects.

The law requires police to inform detainees of their right to remain silent, to make a telephone call, and to representation by an attorney from the moment of arrest. The law entitles detainees to public defenders if they are indigent. Police often questioned and pressured detainees to confess to crimes prior to indicting them and in the absence of legal counsel. According to the POG, few detainees knew about their right to legal representation. The practice of detaining individuals as “material witnesses” before designating them as suspects allowed authorities to question them without the benefit of a defense attorney. According to the POG’s report for 2013, only 23.1 percent of those arrested used the services of an attorney. According to a report from the HCAV, when individuals engaged attorneys from the first instance of their interaction with law enforcement personnel, there were few records of violations.

In 2012 the UN Human Rights Committee criticized the frequent use of pretrial detention and stated authorities did not fully inform detainees of their rights and frequently deprived them of timely access to a lawyer and a medical doctor. The committee noted authorities did not promptly bring detainees before a judge.

The law provides a bail system, but courts generally denied requests for bail and ordered that defendants remain in pretrial detention. In some cases authorities released defendants on their own recognizance pending trial, requiring them to surrender their passports and sign statements promising not to leave the country, or in some cases, city limits.

Arbitrary Arrest: Police, National Security Service personnel, and border guards often detained or arrested individuals without an arrest warrant. Arrests were often not the result of a police investigation, but rather a way of beginning an investigation, with authorities hoping the suspect would confess, making further investigation unnecessary.

Pretrial Detention: Lengthy pretrial or preventive detention remained a chronic problem. According to official information, during the first nine months of the year, an average of 9.7 percent of the prison population consisted of pretrial detainees, and an additional 9.5 percent were detainees whose trials were in progress.

Although the law requires detention decisions to be reasonable and detention to be a measure of last resort, attorneys and court observers complained that courts routinely approved detention with little consideration of less restrictive alternatives. The overuse of detention applied also to juvenile offenders. The Committee on the Rights of the Child reported in 2013 that there was no holistic juvenile justice system that included juvenile courts and comprehensive juvenile justice statutes with diversion mechanisms and efficient alternatives to the formal justice system. Authorities detained children for lengthy periods during pretrial investigation and could punish them for alleged infractions while in pretrial detention with five to 10 days of solitary confinement.

Although the law requires prosecutors to present a well-reasoned justification every two months for extending pretrial custody, judges routinely granted extensions on unclear grounds. Authorities generally respected the provision limiting total pretrial detention to 12 months. The law does not establish time limits on the detention of defendants once prosecutors forward their cases to court. Prosecutors regularly requested and received trial postponements from judges, arguing they required more time to prepare for trial, that is, to prolong investigations. Prosecutors tended to blame defense lawyers and their requests for more time to prepare a defense for trial postponements.

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

Although the law provides for an independent judiciary, courts remained subject to political pressure from the executive branch as well as the expectation that judges would find the accused guilty in almost every case.

The judiciary was not independent, and judges lacked effective legal remedies if executive, legislative, or more senior judicial authorities decided to punish them. The vulnerability of judges to dismissal, combined with the absence of any effective remedy for such treatment and uncertainty about receiving a pension, had a chilling effect on the judiciary and its independence.

The Council of Justice, headed by the chair of the Court of Cassation, appoints and dismisses judges and may charge a judge with miscarriage of justice, even for a ruling that neither party appealed to a higher court or in which the appellate courts found no errors. The decisions of the council are not subject to review. There were reports that the Court of Cassation dictated the outcome of all significant cases to lower court judges. According to observers, the Court of Cassation's control over judicial decisions remained an overarching problem affecting judicial independence.

On July 16, in its concluding observations on the combined second and third periodic reports on the country, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed its concern about the reported lack of an independent judiciary.

In December 2013 the ombudsman's office released a report on the right to fair trial based on interviews with 120 professionals and a review of the Council of Justice's decisions, court cases, and appeals. Based on these findings, the ombudsman described the Court of Cassation as a criminal structure effectively pressuring and controlling the decisions of most lower-court judges through established mechanisms. The ombudsman blamed Court of Cassation Chairman Arman Mkrtumyan and the chairmen of the court's two chambers, Davit Avetisyan and Yervand Khundkaryan, for the situation. According to the ombudsman, the Council of Justice applied disciplinary actions against judges arbitrarily and in violation of the law. Such actions remained the council's most effective leverage for controlling and pressuring the judges.

For example, the report cited disciplinary measures against then judge Surik Ghazaryan as an example of a judicial code violation. According to credible sources, Chief Justice Arman Mkrtumyan, the head of the Cassation Court, forced Ghazaryan to resign and lose his pension in retaliation for not consulting with the Cassation Court prior to a 2010 ruling on a high-profile case involving the Yukos Oil Company and Rosneft (Russia's state-owned oil company). On June 17, the Constitutional Court's vote on Ghazaryan's petition to have his pension restored resulted in a tie, effectively denying the petition. Credible sources connected to the

case alleged that Rosneft, with the cooperation of high-ranking Armenian officials, ghostwrote a number of other local court decisions at the time to include wording that would support Rosneft's submissions in Yukos-related civil proceedings taking place at the time in the Netherlands.

The ombudsman's report also gave a detailed account of the corruption in the judicial system and provided rough estimates of bribes taken by judges, which varied from \$500 to \$10,000 at trial courts, from \$2,000 to \$15,000 at the courts of appeals, and from \$10,000 to \$50,000 at the Court of Cassation. The report led to significant public debate, with judicial authorities denying the claims and lawyers supporting the report as accurate and reflective of the justice system. There was no investigation of these allegations; Prosecutor General Gevorg Kostanyan demanded in writing specific examples of such corruption on which to base a criminal case.

A change in the administrative procedure code that took effect on January 7 specifies that individuals and legal entities could bring appeals only through a licensed attorney. According to human rights defenders, this regulation restricted the access of private individuals and entities to justice, and was a disproportionate barrier to the protection of one's rights.

Authorities generally complied with court orders.

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

The Armenian Innocence Project, launched by the *Hetq Online* media outlet, the NGO Helsinki Committee of Armenia, and Civic Initiative to look into the problems of persons serving life sentences, continued to highlight violations of the human rights of persons serving sentences of life imprisonment. According to these groups, those serving life sentences lacked the opportunity to have their sentences meaningfully reviewed by courts when changes in criminal law occurred that could possibly have replaced the life sentences with less severe punishment. According to human rights groups, one of the greatest obstacles to justice for those serving life sentences was the destruction of case files and evidence by court orders. This action deprived convicts of the opportunity to have their cases

reviewed based on forensic analysis conducted through new modern technologies, such as DNA testing.

## **Trial Procedures**

The law provides for the presumption of innocence, but authorities did not respect this right. The law requires that most trials be public but permits exceptions, including in the interest of “morals,” national security, and for the “protection of the private lives of the participants.” Juries are not used; a single judge issues verdicts in trial courts (except for crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants have the right to counsel of their own choosing, and the law requires the government to provide them with a public defender upon request. A shortage of defense lawyers frequently led to denial of this right outside of Yerevan.

By 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. In particular the law prohibits police officers from testifying in their official capacities unless they were witnesses or victims in a case. Courts routinely accepted into evidence official police reports describing the evidence found at a crime scene or the confession of a defendant, with no in-court testimony from police officers and no opportunity for defense lawyers to challenge the findings of these official reports, which courts generally regarded as unimpeachable. Another impediment to the defense was judges’ control over witness lists, which designate the witnesses deemed to have evidence relevant to a criminal case. Defense attorneys complained that at times judges would not allow them to call or obtain the attendance at trial of witnesses whom they believed to have evidence helpful to their client’s defense. Defendants, prosecutors, and the injured party have the right of appeal and often exercised it.

On October 17, a trial court convicted Tseghakron party leader Shant Harutyunyan, his underage son Shahen Harutyunyan, and 12 additional supporters on charges of hooliganism during an antigovernment march in downtown Yerevan in November 2013. The court also found two of the defendants guilty of using violence against representatives of law enforcement bodies. Shant Harutyunyan received a six-year prison sentence, and 11 others received terms of one to seven years. The court gave Shahen Harutyunyan a four-year suspended sentence and fined one defendant. Many local observers considered the sentences to be excessive and selective application of the law. Harutyunyan and another defendant, Vardan Vardanyan, claimed that following their arrest and during the trial, police officers

at the Yerevan Kentron (Center) Department beat all of them and that senior police officials participated in the beatings. Human rights defenders alleged a number of irregularities during both the investigation and the trial, including the court's rejection of the lawyers' appeals, the obviously biased approach of the prosecutor and the judge during the trial, and failure of the court to consider the defendants' claims of police abuse during detention. According to official information, the SIS found no evidence to prove the allegations of police abuse. As of November 7, 11 of the defendants remained in prison. On November 5, authorities released one of the defendants, Tigran Petrosyan, after he completed his sentence.

The vast majority of criminal cases sent to trial resulted in conviction. Although many weak cases resulted in conviction, the practice of police investigators not to forward weak cases to the courts also likely played a role in the high conviction rate. According to court statistics, of 1,203 court verdicts in the first six months of the year, 52 were acquittals (both partial and full acquittals in reference to 63 persons).

On May 30, in a rare decision, trial court Judge Vardan Grigoryan acquitted and released Alexander Tsverianov, who faced 16 charges of home theft. According to the HCAV, which provided legal support to Tsverianov, there was no evidence linking him to any of the thefts. According to Tsverianov he confessed to the crimes after his November 2012 arrest due to physical abuse and threats by police officers at the Erebuny Police Department of Yerevan to rape him and send the video of his rape to the prison. Judge Grigoryan quoted numerous facts proving Tsverianov's innocence, noting the biased investigation and many procedural violations, which included official forgery carried out by the investigation body. Based on Tsverianov's appeal, the SIS launched an investigation into Tsverianov's allegations, which was underway as of November 17.

### **Political Prisoners and Detainees**

Human rights defenders continued to assert that authorities enforced laws selectively and chose to prosecute certain individuals based on their political views. In one such case, a trial court sentenced Volodya Avetisyan, a reserve colonel and war veteran, to six years in prison for alleged fraud on June 17. Prosecutors charged Avetisyan, whom police arrested in September 2013, with taking a bribe of \$2,000 and promising to help with exemption of a young man from military service. Prior to his arrest, Avetisyan was actively engaged in war veterans' protests demanding improved social protection. He maintained his innocence and claimed the authorities targeted him after he refused to accept bribes



in exchange for stopping his civic activism. Reports from court hearings indicated the National Security Service listened to Avetisyan's telephone conversations three or four months earlier, when he was not a criminal suspect but was actively engaged in the veterans' protests. Authorities reportedly opened the criminal case based on material overheard in the conversations. Many witnesses in the case failed to appear in court. The court of appeals upheld the trial court decision on September 16.

### **Civil Judicial Procedures and Remedies**

Although citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, the courts were widely perceived as corrupt. Citizens also had access to the Office of the Human Rights Defender (ombudsman), as well as the possibility of challenging the constitutionality of legislation in the Constitutional Court. The Constitutional Court exercised its power to determine the constitutionality of statutes in dozens of cases, but lower courts, which are subordinate to the Court of Cassation rather than the Constitutional Court, enforced its decisions unevenly.

### **Regional Human Rights Court Decisions**

Citizens who exhaust domestic legal remedies can appeal cases involving alleged government violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR). Dozens of appeals from Armenia were pending before the court at year's end. In the first 11 months of the year, the ECHR issued judgments in four cases in which it found violations of the convention by the state.

The government generally complied with ECHR awards of monetary compensation but usually did not reopen cases on which the ECHR ruled, and courts often did not follow the applicable ECHR precedent. On May 22, however, in response to an ECHR decision, authorities reopened an investigation into charges of torture by Grisha Virabyan. As of November 1, the SIS investigation into the torture report was in progress.

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

The constitution prohibits unauthorized searches and provides for the rights to privacy and confidentiality of communications. There were reports law enforcement bodies did not always abide by these prohibitions. On December 10,

Chief of the Armenian Police Vladimir Gasparyan stated that as a result of undercover police work, he knew “who thinks what and breathes what.” He made the statement while responding to a question about the possibility of political upheaval in the country.

Law enforcement bodies may not legally wiretap a telephone, intercept correspondence, or conduct searches without obtaining the permission of a judge based on compelling evidence of criminal activity. Although law enforcement bodies generally adhered to legal procedures, attorneys claimed judges often authorized wiretaps, the interception of correspondence, and searches without receiving the compelling evidence required by law, rendering the legal procedures largely a formality. Authorities reportedly tapped the telephone communications, e-mail, and other digital communications of individuals the government wanted to keep under scrutiny, including human rights activists and members of the political opposition. Human rights observers indicated there were also instances when police conducted searches at homes without warrants under the pretext of looking for wanted persons.

According to data presented during the year by the HCAV, in the period from December 2010 to May 2013, courts granted 99.3 percent of search warrant requests presented by the law enforcement bodies. According to the HCAV, in most cases, even when there was a search warrant, police committed multiple procedural violations in conducting searches.

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

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, but the government did not always uphold these rights. Print, online, and broadcast media generally expressed views sympathetic to their owners or advertisers, a mix of government officials and oligarchs. There were several incidents of violence toward journalists in connection with citizens’ protests.

Freedom of Speech: Most individuals were able to criticize the government publicly or privately as well as discuss matters of general public interest without fear of reprisals. In late November and December, however, a series of violent attacks on political and civic activists took place, some of which appeared to be politically motivated. They included an assault on oppositionist member of parliament (MP) Aram Manukyan, who in the past publicly criticized the president.

Investigations continued, but a high-ranking police official and an MP from the RPA made statements condoning and encouraging violence against those who make critical or offensive statements against President Sargsyan. On December 10, Deputy Chief of Police and Commander of Police Troops Levon Yeranossyan told media that he would “cut the ears” of anyone in his presence speaking against the president. After being reprimanded for not showing restraint in his speech, he made remarks about “breaking the heads” of government critics. On December 16, RPA MP Seyran Saroyan said that the MPs should have been the ones to slap Manukyan for offending the president.

On May 22, the Prosecutor General’s Office stated in a press release that persons publishing “pretrial data,” not otherwise specified, would be criminally responsible. On May 26, the Freedom of Information Center released a statement critical of the press release, which it characterized as aimed against the media and a threat to journalists and freedom of speech.

Press Freedoms: Print and broadcast media for the most part lacked diversity of political opinion and objective reporting.

Newspaper circulation remained limited. Private persons or groups owned most newspapers, with the exception of the government-sponsored *Hayastani Hanrapetutyun* and its Russian-language edition, *Respublika Armenii*. Most publications tended to reflect the political leanings of their proprietors and financial backers, who were often close to the government. The political factions and business interests that sponsored these publications showed little interest in developing fair and balanced nationwide coverage. Only a handful of newspapers operated as efficient and self-sustaining enterprises.

Broadcast media, particularly national television, remained the primary source of news and information for the majority of the population. The audience for the country’s 20 radio stations--three of which were public and one that broadcast from abroad--remained limited. Private interests owned all but three of the 98 television stations; most were small and based in outlying regions. Four stations rebroadcast content from abroad. Politicians in the ruling party or politically connected executives owned most stations, and the stations presented one-sided views of events. Regional television channels provided some alternative viewpoints, often through externally produced content.

The government again failed to release the audit of the country’s television and radio frequencies that provided the technical basis for limiting the number of

digital broadcasting licenses it will permit after the country switches from analog to digital transmission, planned for July 2015.

Online media outlets and social networks were the primary alternative source of information, and unlike broadcast media, provided diverse political opinions. The government did not generally control their content; nonetheless, their broadcasts often reflected the political influence of sponsors or advertisers. There were credible reports of continuing consolidation of both online and broadcast media outlets by a few government-affiliated individuals. Media ownership was not transparent.

Media watchdogs strongly criticized draft legislation that would have held media outlets and individual internet users responsible for defamatory or insulting comments on the internet, particularly on social networks. The sponsors eventually dropped the bill.

Violence and Harassment: The government did not conduct credible investigations into attacks against journalists. There were several incidents of police violence against reporters who covered citizens' protests.

The SIS refused to investigate allegations of police violence against Ani Gevorgyan from the *Chorrord Ishkhanutyun* newspaper. On February 12, police detained her--together with reporter Sargis Gevorgyan from the online news outlet *Ilur.am* and other activists--and took them to a police station in the Yerevan Kentron (Center) district, where authorities allegedly erased the contents of Ani Gevorgyan's camera. The head of the Kentron police department, Artak Poghosyan, allegedly slapped her and took away her cell phone. On June 23, police again reportedly employed violence against journalists who, together with approximately 60 other persons, were outside the Kentron police station awaiting the release of protesters arrested earlier in the day. According to press reports, police physically assaulted four journalists--Ani and Sargis Gevorgyan, Arpi Makhsudyan from the online site *CivilNet*, and Paylak Fahradyan from *Gala TV*. Police reportedly smashed Fahradyan's laptop. On June 26, the international media watchdog Reporters without Borders released a statement expressing its concern over the events. Following complaints by Ani and Sargis Gevorgyan, the SIS initiated a criminal investigation into whether police exceeded their authority with use of violence and obstructed journalist's professional activities. As of November 7, the investigation was in progress.

There were also numerous verbal assaults on journalists by parliamentarians without adequate response from the parliamentary ethics committee.

On September 9, National Assembly security chief Karen Hayrapetyan attacked Marine Khachatryan of the *A1Plus* online news outlet. The incident occurred while Khachatryan and other journalists were covering a demonstration by members of the artists group “Counter-Attack,” who placed a poster on the gates of the National Assembly. Hayrapetyan hit Khachatryan’s arm and threw her electronic tablet to the ground. On September 22, the SIS, claiming the absence of a crime, refused to open a criminal case into the attack. On October 7, the Prosecutor General’s Office reversed the SIS decision and instructed it to reopen the case. On November 26, the SIS again dropped the criminal case, asserting the absence of a crime in Hayrapetyan’s actions.

In December 2013 a group of young men verbally assaulted journalists and prevented their physical access to the public defense of the doctoral dissertation at Yerevan State University of Economics of Taron Margaryan, the RPA mayor of Yerevan. Neither the rector nor security personnel present tried to stop the young men, one of whom, Sevak Khachatryan, was the head of the local university council and connected with the ruling RPA. While footage of the incident quickly spread through social media, authorities did not hold any of the young men responsible for obstruction of journalists’ activities. In August the rector of the university appointed Sevak Khachatryan as his vice rector.

Censorship and Content Restrictions: Media outlets, particularly broadcasters, feared reprisals for reporting critical of the government. Such reprisals could include lawsuits, the threat of losing a broadcast license, selective tax investigation, or loss of revenue when advertisers learned an outlet was in disfavor with the government. Fear of retribution led to a high degree of media self-censorship.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. Individuals and groups could generally engage in the expression of views via the internet, including by e-mail. Some human rights activists and opposition party members claimed authorities monitored their e-mail and other internet communications with no, or perfunctory, judicial oversight (see section 1. f.). During the year multiple websites reported cyberattacks, including distributed denial of service attacks, which experts attributed to foreign sources.

According to the International Telecommunication Union, 46.3 percent of the population used the internet in 2013.

### **Academic Freedom and Cultural Events**

There were some reports of government restrictions on academic freedom and cultural events.

Most educational institutions chose not to criticize the government openly and exercised some form of self-censorship. The leadership of the most prominent state universities was politicized and affiliated with the RPA. During the year there were press reports that school leaders dismissed professors and teachers due to their participation in civic protests against pension reform or pressed them not to take part in such protests.

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

#### **Freedom of Assembly**

The constitution and the law provide for freedom of assembly. While the government frequently respected this right, authorities reportedly took measures to impede participation at some rallies, and there were reports police used excessive force against demonstrators.

Citizens were generally able to protest without interference. There were no reports officials obstructed political rallies, but there were cases when police impeded peaceful demonstrations by civic activists, who frequently demonstrated over a variety of social and human rights problems. For example, on January 28, police forcibly dispersed a gathering of mothers whose sons died in the army under noncombat conditions and other civil activists in front of the opera house at Freedom Square, where the government was holding an annual celebration of Army Day.

In those cases where there was obstruction, police routinely detained protesters whom they alleged were “disobeying the lawful demands” of police, and there were several reported incidents of police using excessive force while taking or keeping individuals in custody (see section 1.d.). According to human rights lawyers, police officers failed to specify what the “lawful demands” were. Police

often committed multiple procedural violations in detaining persons, whom they subjected to administrative penalties.

On May 13, a small group of young activists engaged in a peaceful action to protest the renaming of a park in downtown Yerevan just before the arrival of President Sargsyan and President Francois Hollande of France. Police, led by the deputy chief of Yerevan Police, Colonel Valeriy Osipyan, used force to disperse and apprehend the demonstrators before the presidents arrived. Media reported police severely beat demonstrator Gevorg Safaryan while apprehending him and in a police vehicle on the way to the police station. According to Safaryan, police officers squeezed him between car seats, and one officer tried to suffocate him with his knee and almost broke his hand. Police had to call an ambulance twice to attend to Safaryan. According to Safaryan, police also beat and tried to suffocate another activist, Dvin Isayan, who lost consciousness in the car. In September, according to official information, the SIS ruled there were no elements of a crime in the police actions and, instead, forwarded to the investigators a criminal case against Safaryan, whom SIS alleged used violence towards against a police officer during the incident.

### **Freedom of Association**

The government did not provide a legal framework to support the financial sustainability of nongovernmental organizations. The law does not permit NGOs to charge fees for their services, create endowments, or engage directly in profit-generating activities to fund their operations and achieve their statutory goals. As a result NGOs continued to be dependent on grants and donations.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. Authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees and asylum seekers, stateless persons, and other persons of concern.

In-country Movement: There were isolated press reports that authorities restricted travel to prevent attendance at political rallies.

Foreign Travel: Citizens must obtain exit visas to leave the country on a temporary or permanent basis. Citizens could routinely purchase exit visas for temporary travel out of the country within one day of application for approximately 1,000 drams (\$2.44) for each year of validity.

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

In early August, according to the UNHCR, the escalation of fighting along the Armenia-Azerbaijan border in the northern Tavush region led to the temporary displacement of approximately 100 to 200 persons, primarily women and children. During the country's war with Azerbaijan over Nagorno-Karabakh, authorities evacuated approximately 65,000 households from the border region, but most IDPs later returned to their homes or settled elsewhere. Some of the country's IDPs and former refugees continued to lack adequate housing and had limited economic opportunities.

### **Protection of Refugees**

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 has a number of shortcomings, and human rights observers contended that asylum procedures did not meet international standards. On August 2, there were legal changes giving refugees and asylum seekers protection from charges of illegal border crossing. Nevertheless, as of August 11, one asylum seeker remained in detention subject to criminal charges for illegal entry.

Information about access to the territory for potential asylum seekers who are not of Armenian origin was rather limited, although in two reported cases, authorities facilitated access to the territory and to asylum procedure following intervention by the UNHCR.

The State Migration Service (SMS) is responsible for registering asylum seekers and adjudicating their asylum applications. It operated a small reception center and provided food packages to the asylum seekers living there. The service designed the center for a maximum of 45 persons, but in late 2013 and early in the year, up to 60 persons resided there, occupying the center beyond its capacity.



Those asylum seekers whom the reception center could not accommodate did not receive food packages.

Midyear reports estimated that 16,000 persons from Syria, almost all ethnic Armenians, had arrived in the country since the beginning of the Syrian civil war, and approximately 12,000 remained. The government offered three options to regularize their stay in the country: facilitated naturalization, accelerated asylum procedures, and residence permits. In the first six months of the year, 619 of 818 ethnic Armenians from Syria who applied to the SMS for asylum received refugee status, and six awaited decisions. Authorities closed the cases of 193 individuals for various reasons, including withdrawal of their applications and return to their home country. The SMS also terminated the refugee status of 82 individuals who obtained Armenian citizenship.

Refugee Abuse: In 2012 the UN Human Rights Committee expressed concern that the government prosecuted some asylum seekers for illegal entry despite their having identifying themselves as persons seeking asylum. Authorities did not generally release asylum seekers serving sentences for illegal entry into the country after registering their asylum applications but required them to serve the remainder of their sentences. In the first eight months of the year, authorities prosecuted one asylum seeker for illegal entry.

Rejection of the applications of asylum seekers who were not of ethnic Armenian origin, often on grounds of national security, continued to be a concern.

Access to Basic Services: Authorities often had difficulty integrating refugees into society once they obtained permanent-resident status. Housing allocated to refugees from the 1991-94 conflict over Nagorno-Karabakh was often inadequate in supply and in poor condition. Refugees faced many of the same social and economic hardships confronting the general population, further exacerbated by language barriers. Syrian Armenians spoke a different dialect of Armenian and spoke Arabic rather than Russian as a second language. Relatively easy access to citizenship did not solve all integration problems, including the social and economic effect of displacement on the refugee populations. The relatively small number of refugees who were not of Armenian origin had even more limited prospects for local integration. Humanitarian workers observed increasing levels of vulnerability among new arrivals as well as among displaced persons, who arrived earlier and had exhausted all their resources.

Durable Solutions: Authorities offered ethnic Armenians from Syria who remained in the country a choice between expedited naturalization, a residence permit, or refugee status.

### **Stateless Persons**

According to the UNHCR, as of the end of 2013, there were 56 stateless persons with residency permits in the country. Additionally, 1,599 refugees from Azerbaijan were also stateless. There continued to be individual cases of statelessness when individuals renounced Armenian citizenship without possessing another foreign nationality. There was also anecdotal evidence of some undocumented persons, who were stateless or at risk of statelessness due to ongoing migration or residence in the most remote areas in the country, where some persons still held Soviet passports. Applicants for naturalization did not have the right to appeal rejections. There was no clear procedure for the determination of statelessness and no national legislation on the rights of stateless persons.

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

Although the constitution and laws provide citizens with the ability to change their government peacefully, the government continued to interfere with that ability during elections.

### **Elections and Political Participation**

Recent Elections: The most recent national elections took place in February 2013. Reports of bribery of voters, large-scale abuse of administrative resources to favor incumbents, concerns about impostors voting in place of absentee voters, and the presence of unauthorized organized groups at many precincts undermined the integrity of the election process and discredited the institution of elections in the public eye.

In its final election observation report, released in May 2013, OSCE/ODIHR stated that the election “was generally well administered and was characterized by a respect for fundamental freedoms” but was marked by shortcomings, including a lack of impartiality by the public administration, misuse of administrative resources, and cases of pressure on voters. On election day there was undue interference in the process, mainly by proxies representing the incumbent, and observers identified some serious violations. The report also noted that in a

majority of precincts with a voter turnout of 70 percent or more, the incumbent's share of votes was also more than 70 percent. ODIHR found the close correlation between high voter turnout and higher than average results for the incumbent indicated "possible serious problems with voting and counting" and raised "concerns about the integrity of the electoral process." The complaints and appeals process failed to provide for effective redress. Observers believed authorities used or threatened to use administrative resources and selective prosecution to discourage credible candidates from challenging the incumbent. ODIHR also stated the country's 10-year citizenship and residency requirements for candidates appeared disproportionately strict.

In addition to procedural problems, ODIHR reported a low level of public trust in the electoral process. The Constitutional Court made the same observation in its March 2013 decision affirming the results of the 2013 presidential election.

Political Parties and Political Participation: There were no reports of undue legal restrictions on the registration or activity of political parties. Nevertheless, there were continued complaints that the government used its significant administrative and legal resources to discourage financial contributions to opposition parties, thereby limiting their activities. The inability of opposition parties to raise money--either through state funding or through private donations due to government pressure on potential donors--marginalized opposition parties even further. Civil society organizations reported the abuse of government resources during election campaigns and voting days, including threats to deprive families of social benefits and students of scholarships as a punishment for refusal to vote for the incumbent.

Affiliation with the ruling party helped individuals maintain and further their careers in both the public and private spheres. Numerous reports from local observers indicated that some local community heads who ran as independent candidates joined the ruling RPA or became its loyalists after they were elected, citing inability to function effectively otherwise. Local communities depended in part on funding from the state budget, and reports suggested the level of support community heads received from the state budget often depended on their party affiliation. Similarly, within public schools, universities, state medical facilities, and other institutions, individuals had to be RPA members or loyalists to attain leadership positions and resources in publicly funded institutions. According to media and other reports, university student councils were largely steered by RPA youth wing members, and becoming a ruling party member or loyalist assured better grades, scholarships, and other types of favorable treatment. The ruling party and its candidates allegedly abused administrative resources at public and

some private places of employment to intimidate employers and to ensure their support.

There were complaints that well-connected business owners funneled a portion of their profits to the ruling party or other parties affiliated with the ruling political elite in return for unfair economic advantage in the form of light or no taxation. There were also allegations the government discriminated against members of opposition political parties in hiring decisions.

Participation of Women and Minorities: The low level of participation by women in political life and in decision-making positions in the public sector continued to be a problem. At year's end there were 14 women in the 131-seat National Assembly, two in the cabinet of 18 ministers, and no female governors in the country's 10 regions. Only 10 of the 65 elected Yerevan City Council members were women, and no women headed any of Yerevan's 12 administrative districts.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and many officials engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: Although the constitution prohibits individuals engaged in entrepreneurial activity from holding public office, company executives continued to occupy seats in the National Assembly, and various government officials continued to use their offices to promote their private business interests. In the view of many observers, oligarchs linked to the government or holding government posts monopolized the economy. According to civic groups working to address corruption, authorities continued to ignore media and other reports implicating government officials in corrupt practices, an attitude which undermined public trust. Authorities lacked the will to implement anticorruption laws.

In its July report, the CESCR expressed concern about widespread corruption and the limited effectiveness of measures taken to eradicate it. The UN Human Rights Committee raised similar concerns in 2012. Corruption had a significant effect on economic growth. The World Economic Forum's *Global Competitiveness Report for 2013-14* listed corruption as the most problematic factor for doing business in the country.

There were numerous reports of systemic government corruption, including in such activities as urban maintenance, construction, public administration, the judiciary, state procurement and auctions, health care, taxation, law enforcement bodies, and military personnel. There were reports of embezzlement of state funds, involvement of government officials in questionable business activities, and tax privileges for government-linked companies.

Human rights lawyers continued to highlight laws that facilitated corruption, including police arrangements with private companies to collect traffic fines. Through an agreement with police, a private company, Security Dream Ltd. (its ownership was reportedly unclear), was in charge of monitoring traffic rules and collecting fines, with half of the fine collected going to the company and the other half to police. During public hearings in parliament on April 23, an opposition MP asserted that in two years the company collected 11 billion drams (\$26.9 million) in fines and made a profit of 5.8 billion drams (\$14.4 million). Lawyers contended the company provided no credible justification based on facts and law for the fines it collected. On January 7, with government authorization, a Service for Mandatory Enforcement of Court Rulings began collecting unpaid fines without a court ruling. In response to a police petition, the service could freeze the financial accounts of individuals or companies owning a vehicle involved in an infraction without due process or litigation. Such freezes resulted in extensive bureaucratic difficulties for the individuals concerned, who often decided not to challenge these decisions in court and pay the minor fines (even if unjustified) and the extra service charges rather than lose access to their funds, even if temporarily.

Authorities continued their investigation into allegations of embezzlement and fraud implicating the former prime minister, Tigran Sargsyan; the archbishop of the Armenian Apostolic Church, Navasard Kchoyan; and businessman Ashot Sukiassian. Sargsyan and Kchoyan continued to deny their involvement. On January 31, authorities in Georgia arrested Sukiassian, who claimed he forged the signatures of Sargsyan and Kchoyan, and extradited him to Armenia on June 19.

Police were responsible for investigating corruption, and the prosecutor general was responsible for prosecuting it. According to widespread reports, neither agency operated effectively or independently, and neither had sufficient resources.

Financial Disclosure: The law requires high-ranking public officials and their families to file annual asset declarations. Pursuant to the law, the Ethics Commission for High-Ranking Officials collected and monitored the filing of the declarations, but the commission has no authority to verify the accuracy of the

declarations or penalize officials for false declarations. There are no criminal penalties for noncompliance or filing false declarations.

Public Access to Information: While the law provides for public access to government information, some government bodies and officials were reluctant to grant it. According to the NGOs Freedom of Information Center of Armenia and the Transparency International Anticorruption Center, the biggest challenge was governmental bodies that, while creating an impression they were satisfying freedom of information requests, provided answers that were either irrelevant or incomplete. The NGOs were less successful in pursuing their cases in courts than in previous years, as judges rejected their claims on the grounds that government entities already provided answers.

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

A number of domestic and international human rights groups generally operated without government restrictions, freely investigating and publishing their findings on human rights cases. Although at times government officials were cooperative and responsive to their views, authorities also occasionally harassed activists.

Authorities generally agreed to requests for meetings by domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, and local matters. At the same time, they usually failed to take significant action in response to NGO allegations of mistreatment and abuse by law enforcement bodies. They typically responded in such instances that they investigated the allegations but could not corroborate them.

Authorities occasionally harassed human rights groups, citizens, and civic activists who engaged in peaceful demonstrations to protest a variety of high-profile government measures and policies, including the demolition of a historical building, driving and parking fines, an electricity tariff hike, and pension issues. There continued to be media reports that police visited and searched the homes of activists with questionable justification.

The government failed to properly investigate and prosecute those who organized the attacks on civic activists in August and September 2013.

The government gave NGOs the right to initiate class action lawsuits. Some government figures and progovernment media labeled NGOs that received foreign

funding, including prominent human rights groups and corruption watchdogs, as “grant eaters” and traitors who undermined national interests, security, and traditions.

Government Human Rights Bodies: The Office of the Human Rights Defender (the ombudsman’s office) has a mandate to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments. Throughout the year the ombudsman published both issue-specific and regular reports on human rights problems. Resource constraints at times limited the ombudsman’s effectiveness. Three of the six regional offices of the ombudsman’s office shut down during the year due to lack of funding. The government provided no additional funding to the Office of the Human Rights Defender to carry out its mandate as the national preventive mechanism on the prevention of torture, as provided by the optional protocol to the UN Convention against Torture.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. The government did not effectively enforce these prohibitions. In its July 16 report, the CESCR expressed concern about the absence of a comprehensive antidiscrimination legal framework covering all the grounds for discrimination enumerated in the International Covenant on Economic, Social, and Cultural Rights.

### **Women**

Rape and Domestic Violence: Rape is a criminal offense and carries a maximum sentence of 15 years; in the absence of a law specifically criminalizing domestic violence, authorities prosecuted spousal rape under the general rape statutes. Similarly, domestic violence was punishable under the general violence statutes.

Spousal abuse and violence against women appeared to be widespread. In its July report, the CESCR expressed concern about the persistence of high levels of violence, particularly domestic violence, against women, and regretted there was no law specifically criminalizing domestic violence. Authorities did not effectively prosecute domestic violence. Police reported 1,501 cases of domestic violence to the press during the first eight months of the year. According to the Coalition to Stop Violence against Women, 11 women died because of domestic violence through November 17. According to official statistics, authorities received 16 cases of rape and five of attempted rape during the first nine months of

the year. A former husband committed one rape, and fathers of the victims committed two others. Such crimes continued to be underreported due to social stigma, “victim blaming,” the absence of female police officers and investigators, and, at times, police reluctance to act. According to the NGO Women’s Support Center, which maintained a hotline and a shelter for victims of domestic violence, all the persons they assisted also experienced spousal rape. During the first half of the year, the center received 12 reports of sexual violence through their hotline; four involved minors.

During the year the *Hetq Online* media outlet described the unsuccessful efforts of a rape survivor to get her rapist convicted. In 2012 the woman filed a complaint with police alleging that an acquaintance blackmailed, beat, and raped her. Police subsequently dropped the case, asserting the sexual relations were consensual. The victim and the women’s rights groups who supported her alleged the police decision to drop the case was due to friendly relations between one of the investigators, Armen Kaveyan, and the alleged rapist. A trial court granted the victim’s appeal to reopen the case, stating the investigation ignored key facts. The prosecutor in the case appealed this decision; on May 21, the court of appeals reversed the trial court decision. The women’s groups and the victim were also unsuccessful in their attempts to force the SIS to initiate a criminal investigation of whether police investigators mishandled the case.

The July CESCRR report described the number of shelters for victims of domestic violence as insufficient. There was one such shelter in Yerevan, supported by private funding.

According to women’s rights groups, police were ineffective in protecting women’s rights organizations from harassment and threats by batterers.

According to local observers, most domestic violence went unreported because victims were afraid of physical harm, apprehensive that police would return them to their husbands, or ashamed to disclose their family problems. There were also reports police were reluctant to act in such cases and discouraged women from filing complaints, especially outside Yerevan. A majority of domestic violence cases qualified under existing legislation as cases of low or medium gravity. In such cases a victim may decline to press charges, and perpetrators often pressured victims who reported domestic violence to withdraw charges or recant previous testimony. According to the Women’s Rights Center, from January 1 to September 1, the center’s hotline service received 1,044 calls, 875 of which were about domestic violence.



As of November 10, the trial of Sargis Hakobyan, accused of torturing his wife, Hasmik Khachatryan, continued. Authorities charged Hakobyan with abusing his wife for nine years before she escaped in fear of her life. Khachatryan and the women's rights groups assisting her faced pressure from the family of the husband, whose mother was a well-known figure in the village. On May 7, during one of the court hearings, a group of nationalists and supporters of the husband's family verbally assaulted the human rights defenders and the activists who gathered outside the courthouse to support Khachatryan. The nationalists, who claimed domestic violence was a part of the country's culture, blamed the activists and human rights defenders for destroying Armenian families. Local police and court bailiffs did not initially intervene. After the women's rights groups appealed, police provided protection for hearings. Police later initiated a criminal case against one of the attackers.

According to media experts and women's rights NGOs, locally produced soap operas, popular and frequent on all television channels, tended to reinforce existing attitudes and gender stereotypes and appeared to legitimize violence against women and spread intolerance toward homosexuals.

Female Genital Mutilation/Cutting (FGM/C): The law does not specifically prohibit FGM/C, but there were no reports it occurred.

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

Reproductive Rights: The law gives couples and individuals the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means necessary to do so free from discrimination, coercion, and violence. The male spouse and his parents often made decisions about the spacing and timing of their children. Skilled attendance during childbirth was more accessible in large towns and other population centers where birthing facilities were located. According to the 2010 Armenia Demographic and Health Survey, 99 percent of births occurred in health facilities with the assistance of health professionals. There were reports that women, especially, in rural or remote areas, had insufficient access to general and reproductive health-care services. In its July report, the CESCR expressed concern that availability of contraception was limited.

Discrimination: Men and women enjoy equal legal status under family law, labor law, property law, inheritance law, and in the judicial system, but discrimination based on gender was a continuing problem in both the public and private sectors. Women generally did not enjoy the same professional opportunities or wages as men, and employers often relegated them to more menial or low-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. In its July report, the CESCR reiterated its concern over the disproportionately high level of unemployment among women. The committee was equally concerned about the prevalence of vertical and horizontal gender segregation in the economy and the concentration of women in low-paid sectors of the economy, despite equality between women and men before the law. Additionally, the committee expressed concern about the significant gender pay gap, with women earning approximately 60 percent as much as men in 2012 (see section 7.d.). Women remained underrepresented in leadership positions in all branches and at all levels of government.

The CESCR’s July report expressed concern about deeply rooted patriarchal attitudes and stereotypes regarding the role of women and men in the family and in society. According to gender experts, the education system at all levels reinforced the attitudes.

Some groups continued to disseminate misinformation about the law, enacted in May 2013, on equal rights and opportunities for men and women. The groups targeted women’s NGOs and rights defenders, manipulating the wording of the law to associate “gender equality” with homosexuality, propaganda, and pedophilia. They labeled women’s rights defenders “traitors to the nation,” “destroyers of families,” and “threats to Armenian values.” Some materials disseminated by these groups reportedly called for violence and destruction of property targeted at women’s organizations and LGBT persons.

Gender-biased Sex Selection: In its July report, the CESCR expressed concern over the country’s very high level of male births compared with female births. The government and the parliament supported surveys into gender-biased sex selection in the country as well as campaigns to raise awareness of the problem. According to the most recent survey released by the UN Population Fund in May, the ratio of boy-to-girl births in various regions of the country ranged from 111 to 124 boys per 100 girls in case of firstborns and 160 boys per 100 girls in case of second or subsequent children. A study released in August by the Yerevan State University

Center for Gender and Leadership Studies cited the preference for sons by the husband and his parents as a significant factor in the disproportionate ratio of male-to-female births and resulted in psychological and physical abuse of the wife. The abuse included psychological pressure and threats (to divorce, oust from the house, cut financial means), as well as battery to force the woman to agree to an abortion or to cause the abortion. The study noted the dominant role of the husband or his parents in deciding on sex-selective abortions. According to the study, women from urban areas and with a higher education, although also subjected to these pressures, were more empowered to defend their rights than less-educated women or women from rural areas.

## **Children**

Birth Registration: Children derive citizenship from their parents, and birth registration is a parental responsibility. Together with international organizations, the government took focused actions to increase birth registration. According to UNICEF data, the births of 99.6 percent of children born between 2005 and 2012 were registered.

Education: According to UNICEF children with disabilities and from socially vulnerable families continued to face systematic disadvantages in access to school and continuous use of education services. Children from ethnic minority groups, in particular Yezidis, Kurds, and Molokans, had significantly lower than average school enrollment and attendance rates as well as higher dropout levels after the eighth grade.

Child Abuse: In 2011 the domestic office of Save the Children published an assessment of child abuse. According to the report, approximately 70 percent of respondent parents at times subjected their children to physical and psychological abuse and neglect, particularly by failing to provide them with adequate food, clothing, and shelter. Children reported abuse outside the home as well, including physical and psychological abuse in institutions, schools, and occasionally on the streets.

Early and Forced Marriage: By law the minimum age for marriage is 18 years old for both boys and girls. With parental and guardian consent, 17-year-olds may legally marry, and one party to a marriage may be 16 if the other is at least 18. Between 2002 and 2012 according to UNICEF, an average of 7.2 percent of children (both boys and girls) married by the age of 18.

Female Genital Mutilation/Cutting (FGM/C): The law does not specifically prohibit FGM/C, and there were no reports it occurred.

Sexual Exploitation of Children: Antitrafficking statutes prohibit the sexual exploitation of children and carry sentences of seven to 15 years in prison for violations, depending on whether aggravating circumstances are present. Child pornography is punishable by imprisonment for up to seven years. The age of consent is 16.

Institutionalized Children: In its July report, the CESCR noted that despite the government's deinstitutionalization program, the rate of institutionalization for children, a majority of whom had living relatives, remained high. The committee reported cases in which families who maintained their parental rights but placed their children in boarding schools and residential institutions because of economic hardship and because of their inability to meet the costs associated with covering their children's basic needs. The committee was further concerned about the lack of protection for children against corporal punishment.

According to UNICEF the government continued to maintain 40 residential institutions with more than 4,000 institutionalized children, the majority of whom had at least one living parent. Experts believed corruption was the primary reason deinstitutionalization did not work, since the government based its funding for the various institutions on the number of its residents. According to one NGO, employees of the institutions it monitored confided that at the beginning of every academic year, each staff member had to enroll two children in the boarding institution to maintain a job.

In July 2013 a public monitoring group of boarding schools and special educational institutions, composed of NGO representatives, released the findings of its 2012 monitoring of 19 such institutions. According to the report, authorities violated or put at risk virtually all the rights of institutionalized children. Furthermore, the report noted, 16 of the monitored institutions demonstrated a clear record of physical and psychological violence toward children.

During the year the ombudsman's office discovered instances of children with slight, or in some cases no, mental disability studying in institutions for children with mental disabilities. According to the ombudsman's office, by putting their children in special schools, socially vulnerable parents could obtain care, food, and overnight lodging for them, while the school administration could increase the quantity of pupils enrolled.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see [travel.state.gov/content/childabduction/english/country/Armenia.html](http://travel.state.gov/content/childabduction/english/country/Armenia.html).

### **Anti-Semitism**

Observers estimated the size of the country's Jewish population at between 500 and 1,000 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with any disability in employment, education, access to health care, and the provision of other state services, but discrimination remained a problem. The law and a special government decree require that buildings, including schools, be accessible to persons with disabilities, but very few buildings or other facilities were accessible. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to carry out this mandate effectively.

Persons with disabilities seldom left their homes due to the social stigma associated with disabilities. At times children with disabilities missed school, due both to discrimination and the absence of facilities to accommodate their needs. According to a UNICEF-commissioned survey released during the year, nearly one-third of the population believed children with intellectual disabilities should be kept isolated from society. The CESCR indicated in its July report that 18 percent of children with disabilities lacked access to formal education. The committee reported that in spite of the efforts of the state to expand the network of inclusive schools, officials did not fully implement the policy. A 2012 UNICEF survey found that one in five children with disabilities did not attend school, and one in eight resided in a residential care institution (orphanage or special boarding school). According to official data for 2012, approximately 64.8 percent of children with disabilities were poor, and an additional 8.4 percent were extremely poor.

Persons with all types of disabilities experienced discrimination in virtually all spheres of life, including access to health care, social and psychological rehabilitation, education, transportation, communication, employment, social protection, cultural events, and the internet (see section 7.d.). Lack of access to information and communications was a particularly significant problem for persons with sensory disabilities.

The National Alliance to Advocate for the Rights of the Disabled reported women with disabilities faced further discrimination because of their gender, including in social acceptance and access to health and reproductive care, employment, and education. The group reported that authorities were more likely to place girls with disabilities in orphanages than boys, and women with disabilities were more likely than women without disabilities to be subjected to physical and sexual violence.

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

The NGO HCAV, which monitored neurological-psychiatric institutions, reported in 2013 that authorities subjected patients to humiliating and cruel treatment, labor exploitation, inappropriate food, poor sanitary and hygienic conditions, abusive use of physical restraints, and inadequate medical care. They had inadequate access to communications and information and limited or no access to information about their rights or their medical condition and treatment. HCAV and other human rights observers cited the risks of corruption and human rights abuse inherent in the nontransparent nature of commitment procedures, which subjected persons to mandatory treatment in neurological-psychiatric institutions, as well as the process of declaring a person legally incompetent. Furthermore, according to HCAV, the government did not keep track of or properly investigate deaths in these institutions.

Media reports alleged corruption and arbitrary rulings on the part of the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status. Disability status, in turn, determines eligibility for various social benefits.

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

Antidiscrimination laws do not apply to sexual orientation or gender identity. There were no hate crime laws or other criminal judicial mechanisms to aid in the prosecution of bias-motivated crimes against members of the LGBT community. Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as a medical affliction. Societal discrimination based on sexual orientation and gender identity negatively affected employment, family relations, and access to education and health care (see section 7.d.).

In April the NGO Public Information and Need of Knowledge published its annual review for 2013. According to the NGO, many officials regarded defenders of LGBT rights as traitors, and the media presented LGBT persons as enemies of the state. According to the review, LGBT persons experienced physical violence and threats of violence, blackmail, and harassment. Police were unresponsive to reports of such abuses and at times mistreated LGBT persons themselves. The review reported instances of police responding to an LGBT person who filed a complaint about an anti-LGBT crime by moving to prosecute the complainant for allegedly filing a false crime report. As a result some LGBT victims avoided reporting abuses to police.

In a 2013 survey of the attitudes of 500 individuals in service professions (lawyers, doctors, nurses, psychologists, and teachers), toward LGBT persons, 45.4 percent of respondents (including 57 percent of the doctors and 47 percent of the nurses interviewed) considered homosexuality a disease, while 12.6 percent of other respondents (mostly teachers) considered it immoral. The survey, sponsored by the Open Society Foundation Armenia, covered four major cities, including Yerevan. It also indicated high levels of intolerance and ignorance about the issue. According to another NGO survey issued in August 2013, the personnel of human rights organizations demonstrated a low level of awareness and mostly negative attitudes toward LGBT persons, with some respondents expressing the view that homosexuality was a disease and the best way to help LGBT persons was to “cure” them.

The media, including progovernment media, actively engaged in antigay propaganda. On May 17, the newspaper *Iravunk*, owned by MP Hayk Babukhanyan from the ruling RPA, published links to the Facebook profiles of 60 individuals under an article by its chief editor, Hovhannes Galajyan, entitled, “They are serving the international gay lobby. Black list of enemies of the nation and the state.” Twenty of the individuals mentioned in the article (in different groups and individually) sued *Iravunk* for defamation. Although human rights

lawyers considered the article to contain and spread hate speech, a trial court ruled against the plaintiffs on October 30 and ordered them to pay 300,000 drams (\$732) for legal expenses to the newspaper and the editor. On October 25, the 25th anniversary of *Iravunk*, President Sargsyan personally awarded MP Babukhanyan with a high state award. He also gave editor Galajyan and the director of the newspaper medals of appreciation for their input into the development of the newspaper. On the same occasion, the speaker of the parliament, Republican MP Galust Sahakyan, awarded Galajyan with an honor medal of the National Assembly. On November 5, 30 prominent civil society organizations issued a statement condemning the ruling and the awards.

Openly gay men were exempt from military service, purportedly because of concern that fellow service members would abuse them. An exemption required a medical finding, based on a psychological examination, that an individual had a mental disorder; this information appeared in the individual's personal documents, and was an obstacle to employment and obtaining a driver's license. Gay men who served in the army faced physical and psychological abuse.

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

### **HIV and AIDS Social Stigma**

In the most recent demographic and health survey (conducted in 2010), 86.1 percent of women and 84.4 percent of men reported discriminatory attitudes towards those with HIV/AIDS.

The UN Committee on the Rights of the Child, in its June 2013 concluding observations, reported de facto discrimination against certain categories of children, including those with HIV/AIDS. According to human rights NGOs, a school principal dismissed two children from a village school after learning the father of the children was HIV/AIDS positive.

According to human rights groups, persons regarded as vulnerable to HIV/AIDS infection, such as sex workers (including transgender sex workers) and drug users, faced discrimination and violence from society as well as mistreatment by police.

## **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 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 stipulates that worker rights cannot 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.

The government did not always respect labor rights. Resources, inspections, and remediation were reportedly inadequate. There were no specific penalties for violation of the right to freedom of association and collective bargaining; and administrative and judicial procedures were subject to lengthy delays and appeals.

Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Labor unions were generally inactive with the exception of those connected with the mining and chemical industries. There were small-scale worker protests, most often over delayed salary payments. According to domestic observers, in practice, establishing a formal trade union and conducting collective bargaining required the informal consent of the employer. There were anecdotal reports of dismissals for union activity.

Media reported instances when teachers and metropolitan workers in Yerevan lost their jobs for participating in rallies against state pension reform.

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

The law prohibits all forms of forced and compulsory labor, and the government effectively enforced the law. Resources, inspections, and remediation were adequate. Penalties for violation range from five to 15 years in prison and were sufficiently stringent compared with sentences for other serious crimes. In the first eight months of the year, the government investigated three cases of labor trafficking, two of which involved minors whom criminals forced to beg.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

There are laws and policies to protect children from exploitation in the workplace. In most cases the minimum age for employment is 16, but children may work from the age of 14 with permission of a parent or a guardian. The maximum duration of the workweek is 24 hours for children ages 14-16 and 36 hours for children 16-18. Persons under 18 may not work overtime, in harmful, strenuous, or dangerous conditions, at night, or on holidays. The authorities did not effectively enforce applicable law.

According to the 2010 Armenia Demographic and Health Survey, 4 percent of children were involved in child labor, most of them in family businesses. In a June 2013 report, the UN Committee on the Rights of the Child expressed concern that significant numbers of children, including those below the age of 14, were dropping out of school to work in such informal sectors such as agriculture, automobile service, construction, gathering waste metal, and family businesses. The committee noted that an increasing number of children were begging in the streets and engaging heavy manual work, for example, as laborers and loaders. It also noted labor inspectors were not effective in controlling child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The constitution prohibits discrimination on any ground, including sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, national minority status, property ownership, birth, disability, age, or other personal or social circumstances. Other laws and regulation specifically prohibit discrimination in employment and occupation based on gender and sex. Nonetheless, there were no effective legal mechanisms to enforce these regulations, and discrimination in employment and occupation occurred based on gender, age, presence of a disability, sexual orientation, HIV/AIDS status, and religion (see section 6).

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

#### **e. Acceptable Conditions of Work**

The monthly minimum wage was 50,000 drams (\$122). According to the most recent official estimate, from 2012, the extreme poverty line was 21,732 drams (\$53) per month, and the general poverty line was 30,547 drams (\$74.50). The law provides for a 40-hour workweek, 20 days of mandatory annual leave, and compensation for overtime and nighttime work. The law provides that compulsory overtime may not exceed four hours in two consecutive days and 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 informal sectors. In August 2013 the government merged the State Labor Inspectorate, which was located in the Ministry of Labor and Social Affairs, with the State Hygiene and Antiepidemic Inspectorate, which was located within the Ministry of Healthcare, creating a new State Health Inspectorate within the Ministry of Healthcare. The new body is responsible for overseeing implementation of labor legislation and occupational safety and health standards. An expert study of the state's oversight of labor standards conducted through the Open Society Foundation Armenia concluded the merger was unjustified, potentially weakened or removed state oversight over labor rights, and created a confusing situation concerning labor inspections. According to the study, the Ministry of Healthcare had no specialized knowledge of labor rights; the merger led to a reduction in the number of labor inspectors from 126 to 60 and changed their status from civil servants to contractors. Resources, inspections, and remediation were inadequate, and penalties for violations of labor standards were insufficient to deter violations.

Many private sector employees, 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 continued to hire employees for an unpaid and undocumented "probationary" period of 10 to 30 days. Often employers subsequently dismissed these employees, and they were unable to claim payment for the time they worked because their initial employment was undocumented. Managers of enterprises that were the primary employers in certain poor geographic areas frequently took advantage of the absence of alternative jobs and neglected problems related to adequate pay, job safety, and environmental concerns. According to Asian Development Bank data from 2011, approximately one-half of the country's workers were in the informal sector. These workers did not receive any governmental protection. A Helsinki Committee study among employees of major supermarkets, large enterprises, and

taxi services concluded that most employees regarded a written contract as nonessential, with the most important issue being finding work.

Safety and health conditions remained substandard in numerous sectors, and there were several fatal workplace incidents during the year. In light of high unemployment in the country, workers generally would not remove themselves from situations that endangered health or safety. Authorities offered no protection to employees in this situation, and employees generally did not report violations of their rights.