

# ARMENIA 2017 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. According to a constitutional referendum conducted in 2015, the country is on track to transition to a parliamentary republic by the end of the existing presidential term in 2018. The Republican Party of Armenia (RPA) held a majority of seats in the National Assembly and, with President Serzh Sargsyan as leader, continued to dominate the country's political scene. The country held parliamentary elections under the amended constitution on April 2. According to the report issued by the Organization for Security and Cooperation in Europe (OSCE), the elections "were well administered and fundamental freedoms were generally respected," but they were tainted by credible reports of vote buying and pressure on civil servants and employees of private companies. This contributed to an overall lack of public confidence and trust in the elections. The OSCE described the 2013 presidential election as well administered but with shortcomings, including an uneven playing field, serious election-day violations, and concerns regarding the integrity of the electoral process. Similar flaws marred the 2015 constitutional referendum.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: torture; harsh and life threatening prison conditions; arbitrary arrest and detention; lack of judicial independence; failure to provide fair trials; violence against journalists; interference in freedom of the media, using government legal authority to penalize critical content; physical interference by security forces with freedom of assembly; restrictions on political participation; systemic government corruption; failure to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons from violence; and worst forms of child labor, which the government made minimal efforts to eliminate.

The government conducted only cursory investigations into reports of abuses by officials. Law enforcement officers often committed abuses with impunity, at times under direct orders from law enforcement chiefs. Authorities did not hold anyone accountable for the 10 deaths that occurred following postelection clashes in 2008, nor did it hold officials responsible for the beating of journalists and citizens during protests in 2015 and July 2016.

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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

The number of noncombat deaths in the military reportedly decreased. According to the nongovernmental organization (NGO) Peace Dialogue, there were 59 noncombat deaths during the year, compared with 162 in 2016. Peace Dialogue considered all noncombat deaths to be suspicious, although it did not specify its reason or reasons. In several cases, however, families of soldiers who died under noncombat conditions voiced distrust of official investigations, and their lawyers reported multiple procedural violations and a lack of time to review the case materials. On August 22, investigative online publication *Hetq* published an article describing many official obstacles the outlet and Peace Dialogue faced in obtaining statistics on the number of suicides in the army as well as specifics of the cases.

In one noncombat death case, the ECHR ruled in November 2016 that the state had violated the right to life in connection with the 2002 death of Private Suren Muradyan (stationed on the territory of Nagorno-Karabakh) and ordered the government to pay 50,000 euros (\$60,000) to the Muradyan family. While the government paid the fine, no actions were taken to prosecute those responsible for Muradyan's death.

### **b. Disappearance**

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

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

The law prohibits such practices. Nevertheless, there were reports that members of the security forces regularly tortured or otherwise abused individuals in their custody. There were no known cases of prosecution of officials who engaged in these practices.

Police abuse of suspects during their arrest, detention, and interrogation remained a significant problem. According to human rights NGOs, most victims did not report abuses due to fear of retaliation. Mistreatment occurred in police stations, which, unlike prisons and police detention facilities, were not subject to public monitoring. According to observers, police used arrest as a form of punishment. Criminal justice bodies relied on confessions and information obtained during questioning to secure convictions. According to human rights lawyers, there were no sufficient procedural safeguards against mistreatment during police questioning, such as access to a lawyer by those summoned to the police as witnesses, as well as inadmissibility of evidence obtained through force or procedural violations.

According to human rights observers, hardly any investigations into suspected police mistreatment led to criminal sanctions against law enforcement officers. Human rights lawyers pointed to biased judicial and investigatory practices in torture cases and to the practice of opening investigations of possible false accusations when a victim of torture reported abuse.

According to government statistics, since the 2015 adoption of a new definition of torture in the criminal code, no official had been convicted in such cases as of year's end.

As of mid-December the authorities had not prosecuted any law enforcement officials for the reported cases of cruel, inhuman, and degrading treatment of demonstrators, journalists, civic and political activists, and ordinary citizens during the political protests related to the July 2016 seizure by the armed group Sasna Tsrer of the Erebuni police compound.

On June 28, according to human rights lawyers, police beat four members of the armed group Sasna Tsrer during an altercation that ensued while they were awaiting resumption of their court hearing. The defendants suffered cuts and bruises on their faces, heads, abdomens, backs, and legs in the beatings. On June 30, the ombudsperson's office released a statement calling on the Prosecutor

General's Office to investigate the reports. While an investigation was opened, the officers were not suspended or put on leave and continued to handle the same prisoners during the trial.

According to an October 2016 submission by the Partnership for Open Society Initiative (POSI) to the UN Committee against Torture, the lack of independent civilian oversight over psychiatric institutions led to inadequate protection of the right of persons with mental and social disabilities. According to the submission, regulations did not provide safeguards to prevent use of physical restraints, which were used not only on a physician's decision, but also as a punishment and a method to intimidate other patients.

The Council of Europe's Committee for the Prevention of Torture (CPT) noted in a 2016 report on its visit to the country that a significant number of patients in two psychiatric clinics appeared to be de facto deprived of their liberty. Although they had signed agreements of voluntary admission, the patients no longer wished to remain in the hospitals. According to POSI's submission, persons often underwent compulsory treatment because in practice patients' consent was obtained under pressure and through threats by relatives and the staff of the medical institution.

According to human rights experts, deaths in psychiatric institutions were not properly investigated. The government reported 73 deaths in psychiatric institutions, most due to illness and one due to suicide in 2016-17. There were two investigations launched on charges of medical negligence (one was dropped due to absence of a crime and the other continued at year's end) and one criminal case on charges of inducing suicide. The latter was also dropped.

Although there were no reliable statistics on the extent of abuse in the military services, substandard living conditions, corruption, and commanders' lack of accountability contributed to mistreatment and injury of soldiers by their peers or superiors. According to the Ministry of Defense, soldiers often underreported criminal behavior and abuse. While military leaders recognized the problem and sought to overcome it, some observers maintained that certain military commanders regarded it, as well as violence towards conscripts in general, as an effective way to maintain discipline.

In January the Ministry of Defense Human Rights and Integrity Center opened a hotline that the public as well as current or former members of the military and their families could use to find information on a range of problems, including

allegations of harassment and corruption in the military. The center processed more than 100 calls a day.

Soldiers' families claimed corrupt officials controlled many military units, and there were media reports that the government conscripted soldiers with serious health conditions. According to an interview with a representative of the Helsinki Citizens' Assembly Vanadzort, the number of complaints they received from soldiers who were conscripted despite disqualifying health conditions grew every year.

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

Prison conditions were marked by poor sanitation, inadequate medical care, and systemic corruption; overcrowding in some facilities remained a problem, and conditions in some cases were harsh and life threatening. Prisons generally lacked accommodations for inmates with disabilities.

Physical Conditions: In its 2016 report, the CPT noted that while there was no longer overcrowding of prisons at the national level, some facilities, especially Nubarashen Prison, remained overcrowded. The CPT noted material conditions of detention at Nubarashen Prison also remained unacceptable. According to the NGO Prison Monitoring Group (PMG), detention conditions in some cells of the Nubarashen Prison constituted torture and degrading and inhuman treatment. According to the CPT, many cells were damp, affected by mold, poorly lit and ventilated, dirty, and infested with vermin. For most inmates, water was only available at certain hours. Inmates relied on their families for food, bedding, and hygiene items. According to the CPT, similar conditions were observed in other penitentiary establishments.

According to official data, 14 prisoners died during the first 10 months of the year, 11 due to illness, two from suicide, and one by accident. According to the PMG, impunity related to the deaths of inmates was one of the most significant human rights problems in prison. The PMG noted authorities typically did not open an investigation on a prison death if the deceased did not have a family to make such a request.

According to human rights organizations, in addition to the poor physical condition of the facilities, an organized criminal structure dominated prison life, and negligence in providing health care contributed to the death rate. The CPT noted in its 2016 report a continued tendency for prison managers to delegate authority

partially to a select number of inmates (called “watchers”) at the top of the informal prison hierarchy and to use them to keep control over the inmate population.

In one death case, on April 5, Hrachya Gevorgyan died in custody at Armavir Penitentiary. Gevorgyan, who was serving an eight-year sentence for hostage-taking, violence against a representative of authorities, and extortion, was suffering from a number of serious health problems. During his imprisonment, including four years in pretrial detention, his physical and mental health had deteriorated to the degree that he was hardly able to talk and was unable to walk. Gevorgyan went on a number of hunger strikes to demand that authorities provide him proper care. According to lawyers for Helsinki Association of Human Rights, Gevorgyan, who continuously raised the problem of corruption and other prison abuses, was subjected to violence in prison on more than one occasion. On April 7, the prosecutor’s office of Armavir region opened a case on Gevorgyan’s death on charges of medical neglect.

Former inmates and many human rights observers also raised the issue of systemic corruption and bribery in the penitentiaries.

Health-care services in the prisons visited by CPT remained understaffed (the situation had actually worsened at Nubarashen Prison, compared with CPT’s prior visits) and poorly equipped, and there were problems with access to specialist care. There was also a serious shortage of medication. Prison medical personnel lacked independence and had to obtain administrative approval to transfer an inmate to a hospital or record a physical injury in a prisoner’s file.

According to the PMG and other human rights organizations, LGBTI individuals experienced the worst prison conditions. They were frequent targets of discrimination, violence, and sexual abuse and were forced by other inmates to perform degrading labor. Prison administrators reinforced and condoned such treatment and held LGBTI individuals in segregated cells in relatively worse conditions. The PMG noted that homosexual males, those associating with them, and inmates convicted of crimes such as rape, were segregated from other inmates and forced to perform humiliating jobs and provide sexual services.

Administration: Authorities did not routinely conduct credible investigations nor take action to address in a meaningful manner problems involving the mistreatment of prisoners, disputes and violence between inmates, or widespread corruption. The early release program and release on medical grounds remained areas of

concern due to systemic gaps in legislation and implementation. Convicts and detainees did not always have reasonable access to visitors due to the lack of suitable space for visitations. Heads of prisons and detention facilities arbitrarily used their discretion to deny prisoners and detainees visitation, contact with families, or the ability to receive periodicals.

Prisons did not have ombudspersons, and prisoners lacked effective mechanisms to report problems with their confinement. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhuman conditions.

Independent Monitoring: The government generally permitted domestic and international human rights groups, including the CPT, to monitor prison and detention center conditions, and they did so regularly. Authorities allowed monitors to speak privately with prisoners and permitted the International Committee of the Red Cross to visit prisons and pretrial detention centers. In a notable exception, however, prison authorities continued to deny PMG monitors access to certain individuals in detention, including some detained members of the Sasna Tsrer armed group.

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

While the law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, police arbitrarily detained citizens, including participants in demonstrations.

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

The national police force is responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control. The Special Investigative Service (SIS) is a separate agency specializing in preliminary investigation of cases involving suspected abuses by public officials. The Investigative Committee is responsible for conducting pretrial investigations into criminal cases and incorporates investigative services. Police conduct initial investigations and detentions before turning a case over to the Investigative Committee. The president appoints the heads of all these bodies.

Civilian authorities maintained effective control over the NSS, the SIS, and the Investigative Committee, but the government lacked effective mechanisms to investigate and punish abuse. Selective application of the law and impunity for

powerful law enforcement officials were problems. In multiple instances throughout the year, law enforcement bodies refused to prosecute high-profile cases involving individuals linked to the government.

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

Although the law requires law enforcement officers to obtain warrants or have reasonable suspicion in making arrests, authorities on occasion detained and arrested suspects without warrants or reasonable suspicion. By law an investigative body must either arrest or release individuals within three hours of taking them into custody. Within 72 hours, the investigative body must release the arrested person or file charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants or reviewed police conduct during arrests. According to observers, police did not keep accurate records and either backdated or failed to fill out protocols of detention and arrest.

The law requires police to inform detainees of the reasons for their detention or arrest as well as their rights to remain silent, legal representation, and to make a telephone call. Bail was a legal option, but judges employed it rarely and selectively. In practice, the judicial system and the law enforcement bodies placed the burden of proof on suspects to demonstrate they did not present a flight risk or would hamper the investigation, when determining the form of pretrial preventive measure.

Defendants were entitled to representation by an attorney from the moment of arrest, and the law provides for a public defender if the accused is indigent. According to human rights observers, few detainees were aware of their right to legal representation. Observers indicated police often avoided granting individuals their due-process rights by summoning and holding, rather than formally arresting, them, under the pretext that they were material witnesses rather than suspects. Police were thereby able to question individuals without giving them the benefit of a defense attorney.

In its 2016 report, the CPT reported observing the practice of persons being “invited” (usually by telephone) to come to police for what was presented as informal talks. Such talks could last several hours or even days, as the examiners sought to elicit confessions or collect evidence before declaring the persons interviewed a suspect and informing them of their rights.



Arbitrary Arrest: According to international organizations and human rights observers, police and NSS personnel often detained or arrested individuals without a warrant or probable cause. Human rights organizations stated such detentions were often a way to begin an investigation, with authorities hoping the suspect would confess and make further investigation unnecessary.

Pretrial Detention: Lengthy pretrial detention remained a chronic problem. According to official statistics, as of November 1, almost 35 percent of the prison population consisted of pretrial detainees. According to the Ministry of Justice, during the first 10 months of the year, trial courts received 2,022 requests to use pretrial detention as a preventative measure, of which 1,911 were approved. In the same period, courts received 1,176 requests to extend pretrial detention, and 1,096 were approved; courts also received 567 requests for bail, of which 83 were approved. Some observers saw police use excessive pretrial detention as a means of inducing defendants to confess or to reveal self-incriminating evidence.

According to government data, 40 civilians were arrested and charged with various crimes related to the 2016 Sasna Tsrer takeover of a police station; charges included organizing mass disorders, damaging and destroying property, assistance in seizure of the building and seizure of hostages. By the end of the year, 15 persons were charged, indicted, and sentenced. Several were released from pretrial detention, but other civilian protestors remained in detention since July 2016 and were undergoing trial.

In a related high profile case, on March 16, Artur Sargsyan, nicknamed the “bread bringer” for taking food to members of the armed Sasna Tsrer group during their July 2016 seizure of the Erebuni police station, died in a civilian hospital, following a three-week hunger strike to protest his pretrial detention. Sargsyan was arrested in July 2016 and detained on charges of aiding the armed group. He was released in December 2016, but rearrested on February 9, allegedly for failing to show up at the summons of the investigative committee. According to media reports, Sargsyan suffered multiple health conditions incompatible with detention according to the law. Reportedly, Sargsyan was released from detention the first time only after the ECHR asked the government about his health. He was released on March 6 after his health further deteriorated and promptly hospitalized. In the days following his death, hundreds of demonstrators reportedly claimed Sargsyan died because the government refused his lawyers’ initial pleas to release him from detention on the grounds of deteriorating health. While a criminal case reportedly was opened on March 31 concerning the actions of doctors treating Sargsyan, the

prosecutor's office decided not to open a criminal case on the actions of the investigators, judges, and prison staff involved in the case.

The overuse of detention also applied to juvenile offenders. According to the Council of Europe's human rights commissioner, juveniles were especially vulnerable in the criminal justice system and were not protected from violation of their rights.

Although the law requires prosecutors to present a well reasoned justification every two months for extending pretrial custody, judges routinely extended detention on unclear grounds. Authorities generally complied with the six-month limit in ordinary cases and 12-month limit for serious crimes as the total time in pretrial detention. Once prosecutors forward their cases to court for trial, the law does not provide time limits on further detention but indicates only that a trial must be of "reasonable length." Prosecutors regularly requested and received trial postponements from judges. Prosecutors tended to blame trial delays on defense lawyers and their requests for more time to prepare a defense. Severely overburdened judicial dockets at all court levels also contributed to lengthy trials.

#### Detainee's Ability to Challenge Lawfulness of Detention before a Court:

According to legal experts, suspects had no practical opportunities to appeal the legality of their arrests. In cases where the courts ruled on a pretrial detention, another court was unlikely to challenge its ruling.

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

Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. Administrative courts were relatively more independent. A few attorneys reported they believed the Court of Cassation dictated the outcome of all significant cases to lower-court judges. According to some human rights groups, the Court of Cassation's control over judicial decisions remained an overarching problem affecting judicial independence.

Judges remained subject to political pressure from every level of the executive branch, from law enforcement agencies, and the judicial hierarchy. Lacking life tenure, judges were vulnerable to dismissal and had no effective legal remedies.

According to legal experts, the courts felt compelled to satisfy investigators' requests for pretrial detentions and prosecutors' requests for detention while cases

were at trial; legal experts stated such practices undermined judicial independence and reinforced the impression that courts were simply tools and that investigators actually determined the length of a detention. According to lawyers, dismissals of certain judges for independent decisions had a chilling effect on the judiciary.

Authorities generally complied with court orders.

Both prosecutors and defense attorneys often failed to comply with procedural standards. Judges have no authority to discipline attorneys or compel their timely attendance at hearings, having to resort to complaints to the Prosecutor General's Office or the Chamber of Advocates. Many judges felt compelled to work with prosecutors to achieve convictions.

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

Human rights NGOs highlighted abuses of human rights of persons serving life sentences. According to these NGOs, individuals serving such sentences lacked the opportunity to have their sentences meaningfully reviewed by courts when changes in criminal law could possibly have resulted in less severe punishment. According to human rights groups, one of the greatest obstacles to justice for those serving life sentences was the court-ordered destruction of case files and evidence. This action deprived convicts of the opportunity to have their cases reviewed based on forensic analysis using new technologies, such as DNA testing.

### **Trial Procedures**

The constitution and laws provide for the right to a fair and public trial, but the judiciary largely lacked the independence to enforce this right.

The law provides for presumption of innocence, but suspects usually did not enjoy this right. During trials authorities informed defendants in detail of the charges against them, and the law required the provision of free language interpretation for non-Armenian speakers when necessary.

The law requires that most trials be public but permits exceptions, including in the interest of "morals," national security, and the "protection of the private lives of

the participants.” Defendants have the right to counsel of their own choosing, and the law requires the government to provide them with a public defender upon request. A shortage of defense lawyers sometimes led to denial of this right outside of Yerevan.

According to the law, defendants may confront witnesses, present evidence, and examine the government’s case in advance of a trial, but defendants and their attorneys had very little ability to challenge government witnesses or police, while courts tended to accept prosecution materials routinely. In particular, the law prohibits police officers from testifying in their official capacities unless they were witnesses or victims in a case. Judges were reluctant to challenge police experts, hampering a defendant’s ability to mount a credible defense. Judges’ control over witness lists and over the determination of the relevance of potential witnesses in criminal cases also impeded the defense. Defense attorneys complained that judges at times did not allow them to request the attendance at trial of defense witnesses. According to lawyers and domestic and international human rights observers, including the Council of Europe’s human rights commissioner, the prosecution retained a dominant position in the criminal justice system.

NGOs reported the authorities’ treatment of defense lawyers and defendants during the Sasna Tsrer and other high-profile trials deprived the defendants of the right to a fair trial. On July 11, for example, the local NGO Protection of Rights without Borders (PRWB) stated in its report, *Crisis of Justice*, that authorities violated the right to a fair trial in the Sasna Tsrer case and four other cases through interference and hindrance of the professional activities of defense lawyers, harassment of defense lawyers, violence and harassment against defendants; and efforts to restrict citizen participation in the court sessions, including, in one case, by prosecution. The PRWB attributed the authorities’ harassment of defense attorneys to the tendency of officials to identify defense lawyers with the persons they defended.

On August 9, the Civic Solidarity Platform (CSP), an international network of human rights NGOs, elaborated on a concern that independent defense lawyers working on high-profile cases allegedly were subjected to harassment and obstruction by state agents. According to the CSP, lawyers working on the Sasna Tsrer and similar high-profile cases were prevented from visiting their clients in detention and denied the opportunity to hold private discussions with them. In other cases, officials at detention facilities allegedly searched defendants after lawyer-client meetings and confiscated or destroyed meeting notes. Some defense lawyers were subjected to lengthy and intrusive security checks when arriving in court. When the lawyers protested the checks, considering them unlawful, judges

barred them from attending the court sessions, effectively preventing them from defending their clients. The presiding judge then requested that the Chamber of Advocates (i.e., bar association) discipline the absent defense attorneys. Such requests also were made when lawyers refused to continue to take part in hearings after their clients were temporarily removed from the courtroom for allegedly violating court rules.

On September 13, 184 attorneys went on strike to object to the security checks.

Defendants, prosecutors, and injured parties have the right to appeal a court verdict and often exercised it.

There was an expectation that judges would find the accused guilty in almost every case, and the vast majority of criminal cases sent to trial, including many weak cases, resulted in conviction.

In one of the rare cases in which a judge acquitted a defendant, on July 18, a criminal court of appeal reversed the 2015 acquittal of Karen Kungurtsev on charges of attempted murder of Davit Hovakimyan, sentencing him to seven years in prison by pressing additional charges. According to Kungurtsev's lawyers, the judges made their decision based on assertions that were not examined in court with the aim of covering up the true perpetrator of the crime. The victim's family continued to support Kungurtsev's claim of innocence, asserting that the real killer of Davit Hovakimyan was the son of a NSS official who had used his position to influence police and prosecutors to pin the crime on Kungurtsev.

### **Political Prisoners and Detainees**

According to local human rights NGOs, there were political prisoners and detainees in the country, but many of the cases in which trials were underway involved allegations of the use of violence. A number of cases of alleged politically motivated incarcerations were pending with the ECHR. Human Rights Watch called on the government to "make publicly available any credible evidence that justifies the serious criminal charges against the protest organizers and participants. The authorities should not seek to prosecute protesters and impose long prison sentences in retaliation for their vocal, but peaceful activism."

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

Although citizens had access to courts to file lawsuits seeking damages for alleged human rights violations, the courts were widely perceived as corrupt. Citizens also had the option of challenging in Constitutional Court the constitutionality of laws and legal acts that violated their fundamental rights and freedoms. According to lawyers, the lower instance courts did not adhere to precedents of the Cassation Court, the ECHR, and the Constitutional Court. As a result, the lower instance courts continued to carry out the same legal mistakes. According to lawyers, while civil and administrative judicial proceedings happened with a greater degree of independence, the lack of judicial independence in criminal proceedings resulted in overall discrediting of the judicial system.

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

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

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

Authorities may not legally wiretap telephones, intercept correspondence, or conduct searches without obtaining the permission of a judge based on compelling evidence of criminal activity. The constitution, however, stipulates exceptions when confidentiality of communication may be restricted without a court order when necessary to protect state security and conditioned by the special status of those in communication. Although law enforcement bodies generally adhered to legal procedures, 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, email, and other digital communications of individuals the government wanted to keep under scrutiny, including human rights defenders, activists, and political figures. According to some human rights observers, authorities maintained “dossiers” of activists, political figures, and others that were used to exert pressure on a person.

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

### a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but the government attempted to influence media outlets for favorable or uncritical coverage. Broadcast and many larger circulation print media generally expressed views sympathetic to their owners or advertisers--a mix of government officials and wealthy business people--while print and online outlets tended to be more critical. There were several instances of violence against journalists in connection with their coverage of elections and other local developments.

Press and Media Freedom: Broadcast and larger circulation print media generally lacked diversity of political opinion and objective reporting. Private individuals or groups owned most broadcast media and newspapers, which tended to reflect the political leanings and financial interests of their proprietors, who in turn were often close to the government. Broadcast media, particularly national television, remained the primary source of news and information for the majority of the population. Politicians in the ruling party and politically connected executives owned most television stations, which tended to present uncritical views of government policy and events.

There were instances of officials blocking press access to events and information. In March, *Radio Free Europe/Radio Liberty's (RFE/RL)* local service was not allowed to cover talks between the secretaries of Armenia's and Russia's National Security Councils. When the Russian ambassador saw the *RFE/RL* reporter at the session, he reportedly asked why the *RFE/RL* reporter was there. Following that statement, an Armenian Security Council official blocked the *RFE/RL* crew from entering the hotel while allowing six other outlets (three Armenian and three Russian) to cover the event.

Independent media outlets, mostly online, were not self-sustainable and survived through international donations, with limited or no revenues from commercials. Advertisers often shied away from advertising on sites critical of the government, seeing such support as risking official harassment.

According to media experts, the dominant positions in the television and online advertising market of a few companies limited diversity of opinions. According to a report presented in September 2016 by the Armenian Center for Political and International Studies, the advertising sales house Media International Services

(MIS) controlled 74 percent of the country's television advertisement gross value, with exclusive rights to sell advertising on the country's five most watched channels. Another company, DG Sales, was majority owned by MIS shareholders and controlled more than one-third of the online commercial market, operating in a manner similar to MIS.

Regional television channels provided some alternative viewpoints, often through externally produced content. By the end of the year, however, 10 regional television stations faced risk of closure due to the mandatory transition from analog to digital broadcasting in October 2016. Although amended legislation allowed regional stations that did not have licenses to broadcast via the state-funded public multiplex to continue their analog broadcasts until a private multiplex entered the market, the requirements established for a private multiplex were too prohibitive for any company to bid. The affected regional stations remained available to a smaller audience through cable, but they faced serious financial strains due to a loss of commercial revenues.

The government did not generally control the content of online media, which together with social media, served as an important alternative source of information and diverse political opinions. Online news outlets nevertheless continued to show increasing signs of influence by politically connected owners and advertisers. There were credible reports that both online and broadcast media were in the hands of a few government-affiliated individuals. Media company ownership was mostly nontransparent.

Violence and Harassment: There were several cases of violence and professional intimidation against journalists during the April 2 parliamentary and May 14 Yerevan municipal election campaigns. Investigations were underway into cases from 2016, when police targeted journalists covering public protests, subjected them to violence, and deliberately destroyed their professional equipment. Authorities did not charge any police officers with violence against journalists in those incidents. Media watchdog groups criticized the slow pace and ineffectiveness of investigations, despite the abundance of audio and video evidence of police violence. While in the country October 6, OSCE Representative on Freedom of the Media Harlem Desir emphasized the need for safe working conditions for journalists.

During parliamentary and municipal elections, several cases of violence against reporters took place. On April 2, for example, RFE/RL reporter Sisak Gabrielyan was assaulted inside the campaign headquarters of ruling RPA candidate Hakob



Beglaryan after he went inside and tried to film the premises, having noticed people leaving the headquarters with what appeared to be bribes. Later that day *Araratnews* journalist Shoghik Galstyan and Sisak Gabrielyan were assaulted near the same headquarters while making similar reporting efforts. Beglaryan's supporters reportedly beat them and took away their video equipment. The SIS decided not to open an investigation into the incident involving Gabrielyan inside the campaign office, concluding that the reporter did not have a right to enter the building. Law enforcement officials also suggested that the money distributed inside the campaign office were salaries, not election bribes. The SIS, however, opened a criminal case in the second incident involving the *Araratnews* reporter. Authorities charged two individuals, Levon Gasparyan and Julieta Kokolyan, with using violence against the reporters and preventing them from performing their professional activity. As of year's end, the case was pending in court.

On July 28, nine prominent media watchdog organizations publicly denounced the slow pace of official investigations into the abuse of journalists during a rally of persons who sympathized with the demands of the Sasna Tsrer armed group in July 2016. The nine organizations asserted police officers and civilians targeted 27 journalists and camera operators from various media outlets, that police used physical violence against 19 of them, and prevented eight others from performing their professional activity. The action also involved the deliberate damaging of the journalists' photo and video equipment, seizure of memory cards, and destruction of video footage. While charges were brought against eight civilians, as of year's end, authorities had not brought charges against any law enforcement officer involved in the action. Those identified by the public as having participated in the action included the head of security for national Chief of Police Vladimir Gasparyan and two of Gasparyan's personal bodyguards. In December 2016 President Sargsyan awarded a medal to the national chief of the internal police troops, Levon Yerosyan, who allegedly gave the order to disperse the protesters forcibly, for "excellent maintenance of public order."

On September 28, Narine Avetisyan, the editor in chief of Lori television, was attacked while filming a video of asphaltting work being carried out in a heavy rain. According to Avetisyan, Tigran Nazaryan, the head of the Shinpuls construction company doing the work, and his employees used violence to seize Avetisyan's mobile telephone and throw her to the ground. According to Avetisyan, this was the fifth such incident against her, and in none of the previous cases had authorities brought the perpetrators to justice. Human rights NGOs and the ombudsperson's office condemned the violence and demanded a prompt investigation. The Investigation Committee opened an investigation into the case.

In August 2016, more than a year after police beat and detained journalists while dispersing a peaceful 2015 protest in downtown Yerevan, the SIS announced it had charged four police officers, Davit Perikhanyan, Kostan Budaghyan, Tachat Noratunkyan, and Artur Ayyvazyan, with obstructing the activities of four reporters. Media NGOs considered the charges inadequate, given that two dozen journalists had been affected by police abuse, which, they maintained, had been ordered by high-ranking police officials. On February 20, the court fined Budaghyan, Noratunkyan, and Ayyvazyan 500,000 drams (\$1,000) each but allowed them to continue holding law enforcement positions. Perikhanyan was fined 600,000 drams (\$1,200) for deliberately damaging or destroying the property of others, causing serious damage; he subsequently lost an appeal of the decision.

Censorship or Content Restrictions: Media outlets, particularly broadcasters, feared reprisals for reports 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 resulted in media self-censorship. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) reported on July 10, "undue interference of media owners into editorial autonomy resulted in self-censorship of journalists and discouragement of critical reporting of the government, including on public television."

Libel/Slander Laws: Shortly after the NGO Union of Informed Citizens (UIC) released recordings of school and kindergarten directors involved in campaigning for the RPA in March, the progovernment daily *Iravunk* published personal information available only to law enforcement agencies concerning Daniel Ionnisyan, the program director of the UIC, and his family. While the Investigative Committee initially opened a criminal case into the leak, it was later dismissed for failure to identify the alleged perpetrators. With public support from RPA representatives, 30 of the school and kindergarten directors implicated by the UIC report sued Ionnisyan for libel and defamation, asking two million drams (\$4,000) each in damages. After significant support from civil society for Ionnisyan, the directors withdrew their suits in July.

## **Internet Freedom**

Individuals and groups could generally engage in the expression of views via the internet, including by email. Some human rights activists and opposition party members claimed, however, that authorities monitored their email and other

internet communications (see section 1.f.). On April 2, as voters went to the polls for a parliamentary election, unknown actors targeted some of the country's leading independent media voices on social media. Four Twitter accounts subsequently were suspended after being flagged by their Russian-language profiles; the accounts owners also attempted to hijack the election's hashtag to spread a fake letter about foreign involvement in the election. In addition, prominent academic and commentator Babken DerGrigorian reported two attempts to hack his Facebook account; Facebook allegedly informed him the attack was state sponsored.

The International Telecommunication Union estimated that 62 percent of the population used the internet in 2016.

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

The administration and student councils of the most prominent state universities were politicized and affiliated with the ruling RPA (see section 3). For example, President Serzh Sargsyan was the president of the Board of Trustees of Yerevan State University. Government ministers led, or were members of, the boards of trustees of other universities. According to human rights observers, student councils in most universities experienced various forms of pressure to support the interests of the university rather than those of the student body and to keep the student body focused on nonpolitical and less sensitive issues. Despite this political influence, most members of academia felt they were able to deliver openly content that could be construed as critical of political institutions and processes.

In July organizers of the Golden Apricot International Film Festival canceled the screening of two LGBTI-themed films after negative public reaction (see section 6, Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity).

On September 11, media reported that the Ministry of Culture had ordered the early closing of an exhibition, entitled "Eclipse," at the House Museum of Tumanyan that was devoted to the victims of the political repressions in the country during the Stalin era. The closing created a significant reaction in society, to which the Ministry of Culture and other officials responded that the exhibition was too "political" and that it had not been "sanctioned" by the ministry.

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

The constitution and law provide for the freedoms of peaceful assembly and association. In some instances, the government restricted those freedoms.

### **Freedom of Peaceful Assembly**

The constitution and the law provide for freedom of peaceful assembly. While most political gatherings during the campaign prior to the April parliamentary elections took place without interference, some opposition party supporters reportedly were pressured not to attend opposition campaign rallies (see section 3). In some cases during the year, the government interfered in small-scale gatherings organized by civic activists.

On July 30, Human Rights Watch released a statement stating that, while it aggressively prosecuted protesters, the government failed to ensure full accountability for police violence during the largely peaceful antigovernment protests that took place in Yerevan in July 2016. At some protests, authorities used excessive force, assaulting many demonstrators as well as journalists reporting on events. Authorities arbitrarily detained protest leaders and hundreds of participants, pressing criminal charges against some. According to Human Rights Watch, authorities indicted at least 32 protesters, convicting 21 of them and sentencing 11 to prison terms, but it had not prosecuted any officials in connection with the violence.

From February 27 to March 6, civic activist Shahen Harutyunyan organized a sit-in protest at Yerevan's Freedom Square demanding the release from pretrial detention of a supporter of the Sasna Tsrer armed group, Artur Sargsyan (see section 1.d.). According to the Helsinki Committee, police demanded that the participants end the protest, claiming the noise bothered residents of nearby buildings, although the number of protesters never exceeded 30 and there were no residential buildings in the vicinity. Harutyunyan told reporters police harassed the participants and their families, visiting their homes or taking them to police stations. Harutyunyan alleged that, in one case, a protest participant was forced to sign a document pledging he would no longer participate in the protest under the threat from the police that his mother would lose her job as a nurse in a local hospital.

On September 19, police detained the wife and three adult children of dual national Armenian-American citizen Garo Yeghukian, who was arrested in 2016 and was standing trial for alleged support of Sasna Tsrer. The family protested the detention of Yeghukian and Zhirayr Sefilyan, both prominent government critics and members of the Founding Parliament party. Police detained the four family

members, as well as two other members of the Armenian Women's Front Movement, in Republic Square in downtown Yerevan as they were distributing leaflets on the politically motivated arrests. Members of the U.S. Congress and other Armenian diaspora guests of the government-hosted Pan-Armenian Forum were staying at a hotel in Republic Square at the time. The detentions took place without a court order, ostensibly due to an anonymous report that the family had explosive materials. According to one family member, they were not searched for explosives until two and a half hours in police custody while their residence was also reportedly searched. Authorities released Yegnukian's family members and the Armenian Women's Front Movement representatives after detaining them for more than three hours, exceeding the legal period of detention without filing charges.

The Helsinki Committee, in a report covering its observation of 109 public assemblies between July 2016 and June 2017, noted police presence at most of the rallies was disproportionately high and that police used blanket restrictions to ban rallies or forcibly removed protesters from certain venues, such as in front of the president's office, the prosecutor general's office, the prison hospital, and the Russian embassy.

According to official sources, as of mid-December, the SIS had not laid charges or identified any suspects in connection with reported abuses of official authority by law enforcement officers during the July 2016 protests.

### **Freedom of Association**

The constitution and law provide this right, and the government generally respected it. Under the new Law on Public Organizations, in force since February 4, NGOs have legal standing to act on behalf of their beneficiaries in court that is limited to environmental issues and has other preconditions. The limitations contradict a 2010 Constitutional Court decision that allowed all NGOs to have legal standing on matters pertaining to their charter.

#### **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**

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

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

Abuse of Migrants, Refugees, and Stateless Persons: While there was no systematic discrimination reported against migrants or refugees, asylum seekers of African descent, or those who adhere to faiths other than the Armenian Apostolic Church, faced discrimination in acceptance of their asylum applications and were often detained when similar ethnic Armenian applicants were not.

During the year there were repeated reports of the detention of asylum seekers for illegal entry, in particular after crossing the highly guarded and fenced border with Turkey. Authorities continued to detain and sentence asylum seekers for illegal entry into the country after registering their asylum applications. Despite a provision in the law exempting asylum seekers from criminal liability for illegal border crossing, authorities required them to remain in detention pending the outcome of their asylum applications or to serve the remainder of their sentences. In November 2016, for example, two asylum seekers from Afghanistan, who were detained for illegal border crossing in 2015, were sentenced to three years in prison. The detention and conviction took place despite their having applied for asylum almost immediately after they were apprehended at the border and despite having a final decision on their asylum claims still pending as of July. According to UNHCR, due to their prolonged detention, both individuals developed severe physical and psychological health problems.

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

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

As of 2016 according to the Internal Displacement Monitoring Center, approximately 8,400 IDPs of the estimated 65,000 households evacuated in 1988-94 were still living in displacement. Some of the country's IDPs and former refugees lacked 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 takes into account specific needs of children, persons with mental disabilities and trauma survivors and allows detention centers to receive asylum applications. Refugees who were not ethnic Armenians needed three years of legal residence in the country to be naturalized.

According to UNHCR, while the overall quality of procedures and decision making for determination of refugee status improved over the last decade, concerns remained regarding adjudication of cases of asylum seekers of certain religious profiles. UNHCR continuously observed that security considerations permeated all aspects of the asylum procedure and implementation of refugee policies. UNHCR noted with concern the increasing influence of the NSS on asylum decision making by the State Migration Service (SMS) and cases of prolonged detention of non-Christian asylum seekers who had entered the country illegally. Nevertheless, during the year the SMS for the first time recognized refugees with LGBTI/gender-based claims, overruling a negative advisory by the NSS.

Shortcomings in asylum procedures included a lack of state funding for interpreters and the limited capacity of eligibility officers. In addition, court practices did not include an in-depth analysis of the material elements of asylum claims, a substantive review of SMS arguments, or any explicit referral to international standards. Despite recent developments in which judges requested that the NSS substantiate its advisories in two asylum cases, the courts ruled that even an unsubstantiated NSS position could serve as a basis to deny asylum.

Authorities offered ethnic Armenians from Syria who remained in the country a choice of protection options, including expedited naturalization, a residence permit, or refugee status. Quick naturalization gave persons displaced from Syria the same legal right to health care and most other social services as other citizens.

The increase in violence along the line of contact and the Armenia-Azerbaijan international border in April 2016 led to the displacement of civilians from villages close to the line of contact. Some of the displaced persons remained in Nagorno-Karabakh, while others entered Armenia seeking refuge. According to UNHCR, the overwhelming majority of displaced persons consisted of women, children, and elderly persons, primarily from the villages close to the line of contact. UNHCR

estimated the total number of displaced persons at approximately 2,300 at the peak of displacement, with approximately 570 of those remaining in the country as of January.

Access to Basic Services: Conditions in the only reception center for asylum seekers were substandard and did not address the needs of persons with disabilities. Housing allocated to refugees was often in limited supply and in poor condition and remained, along with employment, their greatest concern. Many displaced families relied on a rental subsidy program supported by UNHCR and diaspora organizations. In 2015 authorities opened an integration house with places for 29 refugees and offered refugees accommodation free of charge during the first months after they acquired refugee status. Language differences with Syrian-Armenian refugees who spoke a different dialect created barriers to employment and, initially, education.

Durable Solutions: In July 2016 the government adopted a concept document outlining its goals concerning the integration of persons granted asylum and refugee status as well as of long-term migrants. According to UNHCR, while in principle a welcome step to enhance the legal framework for the protection of refugees, the concept did not cover Syrians who had obtained Armenian citizenship, thus excluding from the provision of services the majority of displaced Syrians who had arrived in country since the beginning of the conflict. The concept also did not address critical aspects of integration, such as language needs and access to education.

While the government approved an initial concept on local integration, full implementation was pending due to lack of state funds. NGOs partially filled the gap with UNHCR and international donor funding.

The amended constitution and the electoral code grant refugees and certain other persons residing in the country the right to participate in local elections if they have resided in the community for at least one year prior to the election. UNHCR and its NGO partners raised awareness among refugees of this provision and encouraged displaced communities to make use of their political rights, in particular during the Yerevan municipal elections held in May.

### **Stateless Persons**

According to the Police Passport and Visas Department, the number of stateless persons has grown from 185 in 2015 to 490 persons as of July. The increase was



believed to be related to the rising number of citizens renouncing their citizenship with the aim of obtaining citizenship elsewhere, particularly in the Russian Federation. In addition, authorities considered approximately 1,400 refugees from Azerbaijan to be stateless as of July.

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

### **Section 3. Freedom to Participate in the Political Process**

Although the constitution and laws provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, authorities continued to interfere with electoral and other political processes via practices designed to ensure the dominance of the ruling RPA.

On April 2, the country held elections for seats in the National Assembly, thereby choosing the first legislative body to govern under the new constitution. In conjunction with amendments to the electoral code, this shifted the country from a semipresidential to a parliamentary republic, eliminating the direct election of the president and mayors of two major cities and introducing a complex proportional electoral system that many characterized as semimajoritarian.

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

Recent Elections: Despite improvements in election administration, the April 2 parliamentary elections were marked by reports of large-scale vote-buying, intimidation of voters, and abuse of administrative resources. Vote buying was reportedly organized mainly by territorial candidates of the ruling RPA, as well as by members of the Tsarukyan Bloc.

The OSCE/ODIHR described the election as, “well administered and fundamental freedoms generally [were] respected. Despite welcomed reforms of the legal framework and the introduction of new technologies to reduce the incidents of electoral irregularities, the elections were tainted by credible information about vote buying, and pressure on civil servants and employees of private companies. This contributed to an overall lack of public confidence and trust in the elections.”

Authorities mostly dismissed reports on vote-buying and administrative pressure. OSCE/ODIHR observers noted “a continuing public reluctance to report electoral

offenses due to a lack of confidence in the effectiveness of the complaint adjudication system. The lack of independence of the judiciary, election administration, and law enforcement bodies, and the manner in which they dealt with complaints undermined the effectiveness of legal redress.”

To reveal abuses of administrative resources, the UIC released audio recordings it made during the campaign period, in which principals of 114 schools and kindergartens spoke about compiling lists of parents and teachers who pledged to vote for the ruling RPA. In the recordings, the principals noted they would submit the lists to campaign offices of RPA candidates or local or regional authorities. In connection with those findings, two contestant parties made separate appeals to the Central Election Commission (CEC), demanding that it apply to the Administrative Court to remove the RPA from the race for abusing administrative resources. The CEC dismissed both complaints. Investigative bodies did not conduct a credible investigation into the allegations of abuse of administrative resources alleged by the UIC.

OSCE/ODIHR observers noted, “at times the CEC examined some alleged facts, but it did not thoroughly consider contentious issues including possible pressure and intimidation of teachers to collect signatures.” The RPA admitted that collection of names had occurred but insisted that it was legitimate campaigning, as it did not take place during working hours. Echoing the RPA statements, the CEC stated that submission of supporters’ lists to the local authorities did not contravene the law, as the authorities may have been engaged in a campaign. Although the law explicitly prohibits public officials from engaging in campaigns while performing their official duties, the CEC admitted it did not examine when these activities took place.

On April 13, an audio recording was released of the management of the SAS supermarket chain in Yerevan berating and threatening employees who had not committed to securing a significant amount of votes for the company founder and RPA candidate, Artak Sargsyan. According to media allegations, the person talking in the recording was Artak Sargsyan’s brother, Aram Sargsyan, the cofounder of SAS Group. On April 21, the SIS announced it opened a criminal investigation related to the recordings; on September 8, it dropped the case without filing any charges.

Among other problems, the OSCE/ODIHR report noted the lack of debates between candidates, parties, and voters, which failed to provide opportunities for voters to make a fully informed choice. The report also identified as problems

“self-censorship of journalists and discouragement of critical reporting of the government, including on public television” (see section 2.a.).

Political Parties and Political Participation: While the law does not overtly restrict the registration or activity of political parties, authorities suppressed political pluralism in other ways.

The OSCE/ODIHR Election Observation Mission (EOM) final report on the April 2 parliamentary elections cited several instances in which opposition party representatives informed the EOM that their supporters were pressured from attending their rallies, often through pressure from community leaders. In addition, in one region, supervisors asked teachers, doctors, and other public employees to attend meetings with the ruling RPA candidate.

Complaints continued that the government used its administrative and legal resources--including by selective tax investigations of contributors--to discourage financial contributions to opposition parties. Civil society organizations reported incumbents abused government resources during election campaigns, including by threatening to deprive families of social benefits and students of scholarships as punishment for refusing to vote for the RPA or by offering compensation for votes through utility payments and other services in addition to cash bribes.

Affiliation with the ruling party reportedly helped individuals maintain and further their careers in both the public and private sectors. Numerous reports from local observers indicated some candidates who ran as independents either joined the RPA or became RPA loyalists when elected. Local communities depended in part on state funding, and reports suggested the level of support community leaders received from the state budget often depended on their voting patterns. Similarly, there were allegations that individuals had to be RPA members or loyalists to attain leadership positions and resources in public schools, universities, state medical facilities, and other publicly funded institutions. The ruling party and its candidates allegedly abused administrative resources at public and some private enterprises 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 to parties affiliated with the ruling political elite in return for economic advantage in the form of limited or no taxation. There were also allegations that the government discriminated against members of opposition political parties in hiring decisions.

There were some restrictions on the ability of NGOs to monitor the April parliamentary elections. According to the OSCE/ODIHR's final election report, the CEC denied accreditation to two local organizations, and refused to provide all interested international NGOs an invitation to observe.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, but the patriarchal nature of society inhibited large-scale participation by women in political life and in decision-making positions in the public sector. Although the percentage of female members of the National Assembly and the Yerevan City Council increased from 2016, the participation of women remained low in these and other decision-making structures. At the year's end, there were 20 women in the 105-seat National Assembly and one in the cabinet of 18 ministers. There were no female governors in the country's 10 regions. Only 18 of the 65 elected Yerevan City Council members were women. There are government-mandated seats in parliament for the country's four largest ethnic minorities: Yazidi, Kurds, Assyrian, and Russian communities. During the year four new members of parliament were elected to represent these constituencies during the April elections.

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

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

Although the constitution prohibits individuals engaged in entrepreneurial activity from holding public office, company executives and oligarchs continued to occupy seats in the newly elected National Assembly, and various government officials used 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. Moreover, authorities reportedly ignored media and other reports implicating government officials in corrupt practices.

Corruption: There were numerous media reports of systemic government corruption in areas ranging from construction, public administration, the judiciary, procurement practices, and provision of grants by the state (including the presidential administration), health care, taxation, law enforcement, education, and the military. There were also allegations of embezzlement of state funds, the

involvement of government officials in questionable business activities, and tax and customs privileges for government-linked companies.

On January 24, the office of Mihran Poghosyan, the former head of the Judicial Acts Compulsory Enforcement Service (CES) under the Ministry of Justice, who was investigated on charges of illegal entrepreneurship, announced that the SIS had dropped its investigation into Poghosyan's activities after finding no evidence of a crime. The basis of the SIS investigation was an April 2016 expose of offshore assets by investigative online publication *Hetq*. According to the *Hetq* report, Poghosyan used his official position as well as the resources of the CES to advance his various business interests. Despite a public outcry, Poghosyan ran for a National Assembly seat as a member of the RPA. He won and obtained parliamentary immunity.

On August 30, investigative online publication *Hetq* published an article looking into property tax payments by 10 restaurants that had the highest property values in the country. According to the report, the top 10 restaurants were tied to former or current government officials, including current and former National Assembly members and the prime minister. The restaurant with the highest property value was owned by National Assembly member Gagik Tsarukyan, who refused to disclose the amount of the property tax paid, even though the property tax is part of the local government budget, which is open to the public. According to the report, the restaurant with the second highest value belonged to the wife of another National Assembly member, Samvel Aleksanyan, and paid one fourth of what it should have, according to official estimates. The report concluded that since the restaurant had opened, it had paid 16 million drams (\$32,000) less in property tax than it should have, suggesting an illicit agreement between the owners of the restaurant and the local self-government body.

Financial Disclosure: The law requires high-ranking public officials and their families to file annual asset declarations, which were partially available to the public on the internet. There were no administrative penalties for noncompliance or for filing false declarations, and the Ethics Commission for High-ranking Officials, which is responsible for collecting and monitoring the declarations, lacked authority to verify the accuracy or origins of the declared income or to penalize officials for false declarations. Many public officials, including judges, and National Assembly members and their spouses, disclosed large sums of unexplained income and assets, including large personal gifts and proceeds from providing loans. Authorities failed to investigate discrepancies or unexplained wealth identified in these declarations. To address these gaps, the National

Assembly adopted changes to the law that entered into force on July 1. The changes increase the authority of the Ethics Commission to verify the accuracy of declarations and origins of the declared income and allow it to penalize officials for filing false or incomplete declarations. These changes were scheduled to go into effect after February 15, 2018, the next deadline for the submission of income declarations. A December 2016 amendment to the law criminalizes illicit enrichment.

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

Domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Although government officials were at times cooperative and responsive to their views, some also occasionally harassed activists.

In August Human Rights House Yerevan, an umbrella organization consisting of several human rights NGOs, reported pressure on and unequal treatment of attorneys involved in the defense of the members of the armed group Sasna Tsrer (see section 1.e.); the continuing prosecution of and threats against human rights defender Marina Poghosyan of the NGO Veles; impediments by state bodies and the Yerevan municipality against activities of LGBTI NGOs (see section 6); death threats on social media against Artur Sakunts of the Helsinki Citizens' Assembly and others; an online harassment and smear campaign against human rights defenders, especially those focused on defending women's and LGBTI rights; harassment of environmental activists by individuals linked to the governor of Syunik Province; and pressure against Daniel Ionnisyan of the UIC, after the UIC revealed the abuse of administrative resource by the ruling RPA (see sections 2 and 3).

Government Human Rights Bodies: The Office of the Human Rights Defender (the ombudsperson) has a mandate to protect human rights and fundamental freedoms from abuse at all levels of government. Legal changes that came into force in March broadened the scope of authority of the ombudsperson's office to allow it to initiate legislation, to conduct legislative review from a human rights perspective, and to issue formal opinions and recommendations on judicial and executive malpractice. According to experts, however, the level of empowerment and resources of the ombudsperson's office were not sufficient to implement the office's new mandate.

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

### Women

Rape and Domestic Violence: Rape is a criminal offense, and conviction carries a maximum sentence of 15 years; general rape statutes applied to the prosecution of spousal rape. Domestic violence was prosecuted under general statutes dealing with violence, although Authorities did not effectively investigate or prosecute allegations of domestic violence. Domestic violence against women was widespread.

There were reports that police, especially outside Yerevan, were reluctant to act in such cases and discouraged women from filing complaints. A majority of domestic violence cases were considered under the law as offenses of low or medium seriousness, and the government has not hired female police officers and investigators to address these crimes.

Shelters were insufficient to meet the needs of all victims in the country. Between 2010 and 2016, the NGO Coalition to Stop Violence against Women recorded the killing of 40 women by an existing or former partner or a family member. According to a 2016 coalition study, many of these women had sought help from family or state institutions

NGOs that promoted women's rights were criticized for breaking "Armenian traditional families" and spreading "Western values." The clergy of the Armenian Apostolic Church as well as state officials reinforced the stereotypes. In November 2016 the Ministry of Sport and Youth sponsored a public-service announcement claiming that "foreigners" wanted to ruin the country by destroying the model of an Armenian family.

In September the government presented for public discussion a draft law, "On Prevention of Domestic Violence and Protection of Victims of Domestic Violence." While women's rights groups considered the bill a good first step in the direction of stopping domestic violence, other NGOs and groups, some reportedly affiliated with Russia, attacked the draft as a threat to traditional family structure and used both online and broadcast media to criticize it, often disseminating false information about its contents and the civil society representatives who supported it. Following these criticisms, the government presented an amended draft bill entitled, "Law on Prevention of Family Violence,

Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion,” which parliament adopted on December 13.

Sexual Harassment: Although the law addresses lewd acts and indecent behavior, it does not specifically prohibit sexual harassment. Observers believed sexual harassment of women in the workplace was widespread.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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

A 2015 World Bank study examined teaching materials and textbooks of high school classes and found the books gave strong preference to men in all forms of representation, including texts and illustrations, while women were less visible or portrayed in stereotypical way.

Gender-biased Sex Selection: According to the National Statistical Service, the boy to girl sex-at-birth ratio decreased from 114 to 100 in 2014 to 110 to 100 for the first half of the year. In 2015 the Ministry of Health and the Ministry of Labor and Social Affairs approved a midterm program to prevent gender-selective abortions and established a working group to coordinate governmental efforts in this regard.

## **Children**

Birth Registration: Children derive citizenship from one or both parents. During the year the government finalized a large-scale e-governance reform, by which a centralized system generates a medical certificate of birth to make avoidance of birth registration almost impossible. A low percentage of registered births occurred mainly in Yezidi and Kurdish communities practicing homebirths.



Education: Although education is free and compulsory through grade 12, in practice it was not universal. Children from disadvantaged families and communities lacked access to early learning programs, despite government efforts to raise preschool enrollment. Enrollment and attendance rates for children from ethnic minority groups, in particular Yezidis, Kurds, and Molokans, were significantly lower than average, and dropout rates after the eighth grade were higher. UNICEF expressed concern about the integration into the local community of an increasing number of refugee children from Syria, Iraq, and Ukraine.

Child Abuse: Irregular exchanges of gunfire between Armenian and Azerbaijani forces put children living in border areas at risk of injury or death. According to UNICEF, the lack of official, unified data on violence against children limited the government's ability to design adequate national responses and preventive measures. There were no official referral procedures for children who were victims of violence, including sexual violence, and referrals were not mandatory for professionals working with children, except for doctors who are required to report any injury of children to police.

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

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

The UN Special Rapporteur on the sale of children, child prostitution, and child pornography noted in a February 2016 report that although official statistics showed relatively few cases of sexual exploitation and sale of children, there were numerous undetected and unreported cases caused by gaps in terms of legislation, training, awareness-raising, detection, and reporting.

Institutionalized Children: According to UNICEF and other observers, institutionalized children were at risk of physical and psychological violence by peers and by staff. According to a February 22 report by Human Rights Watch, government policies on deinstitutionalization and inclusive education did not guarantee the rights of children with disabilities on an equal basis with other children and were discriminatory. There were reports on social media that the government's closure of boarding schools without the timely establishment of

proper alternative social care services and provision of basic necessities, jeopardizing children's well-being and access to education.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

Observers estimated the country's Jewish population to be 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, and access to health care and other state services, but discrimination remained a problem. The law and a special government decree require both new buildings and those under renovation, including schools, to be accessible to persons with disabilities. Very few buildings or other facilities were accessible, even if newly constructed or renovated. Many public buildings, including schools and kindergartens, were inaccessible. This inaccessibility also deterred persons with disabilities from voting, since these buildings often served as polling stations during elections. According to the OSCE/ODIHR election observation report on the April 2 parliamentary elections, 69 percent of polling stations observed were not accessible to persons with physical disabilities or reduced mobility.

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. In September the government approved a decision to issue vouchers to persons with disabilities to purchase hearing aids and wheelchairs, instead of providing the actual devices. There were reports, however, the vouchers failed to cover the market price of hearing aids and wheelchairs, resulting in financial strain on the persons who needed them.

In 2014 the UN Committee on Economic, Social, and Cultural Rights reported that, despite state efforts to expand the network of inclusive schools, officials did not fully implement the policy. The law requires all public schools to become inclusive by 2025.

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

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

In 2015 the government introduced mandatory quotas for the employment of persons with disabilities for both public and private firms with more than 100 employees. In May, however, it decided to suspend the quota system.

Disability status determines eligibility for various social benefits. 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. In December 2016 the NSS arrested and charged the head of the commission, Armen Soghoyan, and 16 other officials with soliciting bribes. The case was sent to court in September.

### **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 crimes against members of the LGBTI community. Societal discrimination based on sexual orientation and gender identity negatively affected all aspects of life, including employment, housing, family relations, and access to education and health care. Transgender persons were especially vulnerable to physical and psychological abuse and harassment.

During the year the NGO Public Information and Need of Knowledge (PINK Armenia) documented 27 cases of alleged human rights violations against LGBTI persons, but only four victims sought help from the ombudsperson's office and none from law enforcement bodies.

On August 23, according to media reports, 30 to 35 civilian men, allegedly led by a municipality employee, attacked a group of transgender sex workers in a park near the municipality office. Police stopped the attack and opened a criminal investigation into the incident. Lawyers from the NGO New Generation, who represented the transgender persons and the sex workers, claimed that such group attacks happened at least once a month and individual attacks happened almost daily. In most cases, police were ineffective in either preventing such cases or apprehending perpetrators.

On May 25, PINK Armenia placed three LGBTI-themed social advertising banners in downtown Yerevan. On May 27, the advertising company tore them down following a highly negative public reaction. Shortly after the posters were removed, an official from the Yerevan municipality announced on his Facebook page that the three banners promoting tolerance were posted illegally and without the permission of the municipality. According to PINK Armenia, the banners did not contain any material prohibited by the law, the installation was made in accordance with existing practices, and the Yerevan municipality violated the NGO's freedom of expression. After the removal of the posters, anti-LGBTI groups launched cyberattacks on PINK Armenia's website. The physical address of PINK Armenia was posted on Facebook with a message encouraging attacks on the organization. On July 9, the Golden Apricot International Film festival opened amid controversy over the organizers' canceling the screening of several noncompetitive films, including two with LGBTI themes. One of the festival's partners, the Union of Cinematographers, demanded that the two films be removed from the program. The festival organizers responded by canceling the screening of all noncompetitive-category films immediately before the festival's opening. According to an assessment conducted by the NGO New Generation in 2016, transgender individuals desiring to undergo sex-change procedures faced medical and other problems related to the administration of hormones without medical supervision, underground surgeries, and problems obtaining documents reflecting a change in gender identity.

On July 4, the NGO Right Side, which focuses on the transgender population, reported that a local municipal employee came to their location to harass and

assault its president. In September the president reported that the organization's landlord decided not to renew their lease.

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

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

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

## **Section 7. Worker Rights**

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

The law protects the right of all workers to form and to join independent unions, except for noncivilian personnel of the armed forces and law enforcement agencies. The law also provides for the right to strike, with the same exceptions, and permits collective bargaining. The law mandates a seven-day notification and mandatory mediation before a strike, as well as the agreement of two-thirds of the workforce obtained in a secret vote. The law stipulates that worker rights may not be restricted because of membership in a union. The list of justifiable grounds for firing a worker, enumerated in the labor code, does not include union activity.

On April 27, the Health Inspection Body (HIB) of the Ministry of Health was established by government decree to ensure that health and occupational safety requirements for employees were met. While the final composition and scope of HIB's authority was still under review as of September, the HIB's charter had limited references to labor legislation and labor rights as well as a limited mandate to carry out inspections to ensure the protection of labor rights for minors, pregnant women and women breastfeeding or caring for children. There were no other state bodies with inspection responsibilities to oversee and protect the implementation of other labor rights. The government did not effectively enforce laws on freedom of association and collective bargaining, and the government has not established which entity should have responsibility for enforcing these laws.

Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Employees did not report labor rights violations because of fear of retaliation by employers and usually did not make formal complaints. Labor unions were generally inactive, with those in the mining and chemical industries viewed as co-opted by plant owners. According to domestic observers, the informal consent of the employer was required to establish a formal trade union.

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

The law prohibits and criminalizes all forms of forced and compulsory labor, although no definition of forced labor is provided in the law. While the government effectively prosecuted labor trafficking cases, resources, inspections, and remediation were inadequate to identify forced labor cases at large due to absence of an effective labor inspection mechanism. Penalties for labor trafficking ranged from five to 15 years in prison and were sufficiently stringent to deter violations.

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 designed 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 law allows children under the age of 14 to work in the entertainment sector. The maximum duration of the workweek is 24 hours for children who are 14 to 16 and 36 hours for children who are 16 to 18. Persons younger than 18 may not work overtime, in harmful, strenuous, or dangerous conditions, at night, or on holidays. Authorities did not effectively enforce applicable law. Penalties were insufficient to enforce compliance.

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

motor fuel, construction materials, medication, vehicle maintenance and repair works. According to the survey, 39,300 children were employed, of whom 31,200 children were engaged in hazardous work, including work in hazardous industries (400 children), in designated hazardous occupations (600 children), work with long hours (1,200 children), work that involved carrying heavy loads and distances (17,200 children) and, other forms of hazardous work (23,600 children).

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

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

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

Women generally did not enjoy the same professional opportunities or wages as men, and employers often relegated them to more menial or 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. According to World Bank data released in 2016, more than one-half of women with intermediary education and one-third of women with advanced education did not participate in paid work. According to World Bank 2017 study on *Leveling the STEM Playing Field for Women*, “cultural stereotypes about the work women should engage in and their responsibilities at home present the strongest barrier to equality between women and men in Armenia.” According to a 2015 Asian Development Bank report, *Armenia: Country Gender Assessment*, many women were engaged in informal work, leaving them without the protection of labor legislation. Women also represented a larger share of the registered unemployed, and it took them a longer time to find work. According to a gender gap study of the UN Population Fund, *Diagnostic Study of Discrimination against Women*, released in March 2016,

the gap between average salaries of men and women in all economic spheres was almost 36 percent.

Many employers reportedly practiced age discrimination, 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. Vacancy announcements specifying young and attractive women for various jobs were common. Unemployed workers, particularly women, who were older than 40 had little chance of finding jobs appropriate to their education or skills. LGBTI persons, persons with disabilities, as well as pregnant women also faced discrimination in employment. Religious minorities faced discrimination in public employment.

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

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

Authorities did not effectively enforce labor standards in either the formal or the informal sectors. According to lawyers, workers' rights remained unprotected due to the absence of a viable labor inspection regime, lack of independent trade unions, and overloaded administrative courts dockets that could only address new cases over a year after they were filed.

Many employees of private companies, particularly in the service and retail sectors, were unable to obtain paid leave and were required to work more than eight hours a day without additional compensation. According to representatives of some employment agencies, many employers also hired employees for an unpaid and undocumented "probationary" period of 10 to 30 days. Often employers subsequently dismissed these employees, who were then unable to claim payment for the time they worked because their initial employment was undocumented.

Managers of enterprises that were the primary employers in certain poor geographic areas frequently took advantage of the absence of alternative jobs and did not provide adequate pay or address job safety and environmental concerns.



Nearly one-half of all workers found employment in the informal sector where they were vulnerable to employer abuse and without governmental protection. There were numerous reports of abuse of worker's rights both in the private and public sectors during elections, with employees being threatened with the loss of employment if they did not vote in a certain manner or did not ensure a certain number of voters supported a particular candidate or a party. The reports mainly concerned employees of public schools and hospitals, state employees, and the staff of large companies, including supermarket chains belonging to oligarchs from the RPA.

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

In one example, according to reports by *Epress.am*, during the year employees of a waste management company, Sanitek, reported the company's failure to adhere to work safety and security standards. According to the employees' testimonies, the company forced them to work seven days a week and did not allow for annual leave. They often worked beyond the established eight-hour workday without the possibility of taking rest breaks, and on some days worked up to 17 hours.

Three employees of Sanitek were hit by cars in the span of two weeks, reportedly due to the company's failure to adhere to follow work safety and security standards. Three of the employees suffered serious injuries, including one who lost his leg. The injured were not offered compensation other than that provided by health insurance, which did not cover long-term or permanent incapacitation. According to the testimonies, the company did not uphold any safety standard and in the past had reduced its employees' salaries by almost 20 percent and forced them to sign new contracts without understanding the terms. The company allegedly fired employees who had found a second job and put them on a "black list" of workers not to be hired again. According to one of the persons injured, most employees were too desperate to have a job to speak up against these abuses.