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ARMENIA: SITUATION ANALYSIS AND TREND ASSESSMENT

A Writenet Report by Asbed Kotchikian

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Acronyms

ANM	Armenian pan-National Movement
ARF-D	Armenian Revolutionary Federation-Dashnaktsutiun
BHK	Bargavadj Hayastani Kusaktsutyun – Prosperous Armenia
ECHR	European Court of Human Rights
GDP	Gross Domestic Product
HHK	Hayastani Hanrapetakan Kusaktsutyun – Republican Party of Armenia
HHS	Hayots Hamazgain Sharzhum (also known as ANM)
IDHR	Institute for Democracy and Human Rights
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organization
OE	Orinants Erkir – The Rule of Law Party
OSCE	Organization for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PKK	Partiya Karkerên Kurdistan – Kurdistan Workers Party
SSR	Soviet Socialist Republic
TSFSR	Transcaucasian Soviet Federated Socialist Republic
UNDP	United Nations Development Programme
USSR	Union of Soviet Socialist Republics

Executive Summary

Until recently, Armenia was considered to be a good example of how a former Soviet republic with limited natural resources can follow a path of successful political and economic development. This, coupled with a mostly balanced foreign policy, made Armenia a success story in the eyes of international organizations. However, the socio-economic and political development has not been even and the decade-long political stability was challenged in 2007 with the parliamentary elections and in 2008 with the presidential elections.

Since 1998, Armenia's foreign policy has gradually moved closer to alignment with Russia and many Armenians consider Moscow as a strategic partner against Turkey which many perceive as an enemy. The overreliance on Russia has led to the sale of Armenia's energy sector to Russian state and private companies, making Armenia completely dependent on Russia for its energy management and supply.

Despite the government's attempts to bring the constitution in line with Council of Europe standards, there are serious shortfalls, including the persecution of religious minorities (especially Jehovah's Witnesses) and the repeated silencing of any media outlet critical of the government. Many TV and radio stations constantly come under political pressure to shut down.

The February 2008 presidential elections and the subsequent crackdown by the government on opposition groups continue to be the major source of current human rights criticism. The government of Armenia has come under heavy criticism for limiting freedom of assembly and speech as well as for the wrongful imprisonment of individuals associated with the opposition. Despite these restrictions, Armenia has been witnessing a boom in civil society activities, where, because of decreased trust in government and state institutions, many civil society groups have become more active in pushing for citizen's rights and demanding accountability.

1 Introduction

1.1 Geography and Demographics

Armenia is a landlocked country which is one of the three republics in South Caucasus. It has an overall surface area of 29,800 sq km making it the smallest republic of the Soviet successor. Its neighbours are Georgia to the north, Azerbaijan to the east and west (the Azerbaijani exclave of Nakhichevan), Iran to the south and Turkey to the west.

Even during Soviet times Armenia was the most homogeneous of the union republics. According to the 1989 Soviet Census Armenia had a population of 3.3 million, of which 94% were ethnic Armenians. The rest of the population consisted of Azeris (2.5%), Russians (1.5%) and Yezidis/Kurds (1.6%).¹ With the start of the independence movement and the war with Azerbaijan over Nagorno-Karabakh, there was a significant shift in Armenia's demographics. Thus most of Armenia's Azeri population left for Azerbaijan and close to 360,000 Armenians moved to Armenia from Azerbaijan. The result, according to the 2001 official census, was a population of 3.2 million of which ethnic Armenians made up 98% and Yezidis/Kurds 1.5%, with in addition some smaller groups.² Armenians are almost exclusively Christian and are followers of the Armenian Apostolic Church. There are also adherents of Catholic and Protestant denominations.

It should be noted that there are more ethnic Armenians living outside of Armenia than in it, most of whom trace their ancestry to outside of the borders of modern Armenia (mostly in Ottoman Armenia which had the bulk of the Armenian population up until 1915). There are no reliable figures, but estimates show that there are strong and organized diasporan communities in Russia (about 2 million), United States (1.5 million), Western Europe (600,000), Middle East (300,000), South America (200,000) and Canada (50,000).³

1.2 Historical Overview

Armenia has had a long historical development stretching back to the third century BC with successive dynastic kingdoms encompassing modern Armenia, southern Georgia, northern Iran and what is today eastern Anatolia in Turkey. This long history made possible the development of a sense of national identity which could explain the strong nationalism existing in Armenia today, further accentuated by a long period of foreign imperial domination – Ottoman, Persian and Russian.⁴

¹ Union of Soviet Socialist Republics, State Committee on Statistics, *The USSR in Figures for 1989*, Moscow: Finansy I Statistika Publishers, 1990

² Armenia, National Statistical Service, *Census 2001*, <http://docs.armstat.am/census/engcontent.php> [accessed September 2008]

³ Armenia-Diaspora Conference Official Site, *Population*, <http://www.armeniadiaspora.com/followup/index.html> [accessed September 2008]

⁴ For an overview of Armenian history in ancient to modern times see Lang, D. and C. J. Walker, *The Armenians*, London: Minority Rights Group, 1987 and Panossian, R., *The Armenians: From Kings and Priests to Merchants and Commissars*, New York: Columbia University Press, 2006

During the First World War the overwhelming majority of the Armenian population living in the Ottoman Empire was displaced in what Armenians consider to have constituted genocide, although this is hotly disputed by the Turkish government. The Bolshevik revolution in Russia made it possible for Armenia to declare its independence on 28 May 1918 and establish a short-lived republic.⁵ In November 1920 and under pressure to fight on two fronts (Turkey in the West and the Red Army in the East and North), the Armenian government agreed to join the Soviet Union and along with Soviet Georgia and Azerbaijan formed the Transcaucasian Soviet Federated Socialist Republic (TSFSR), which in 1922 became a founding member of the Union of Soviet Socialist Republics (USSR). It was only in 1936 that the TSFSR was dissolved into three republics, the Armenian, Azerbaijani and Georgian SSRs.⁶

Under Soviet control Armenia witnessed rapid industrialization and urbanization. The capital city, Yerevan, expanded both in size and population until in the early 1970s it had a population of over one million.

1.3 Post-Soviet Armenia

It was apparent in the mid 1980s that Armenia was already in the process of pursuing a national policy contradictory to the wishes and calculations of Moscow. The main point of contestation between the Armenian nationalist groups and Moscow was the thorny issue of Nagorno-Karabakh and its status as an autonomous region under the sovereignty of the Azerbaijani Soviet Socialist Republic.

Starting in 1988, Armenians began demonstrating in Yerevan to demand a solution of the Nagorno-Karabakh issue. Their demands gradually increased to include more sovereignty for the Armenian economy and priority for the Armenian language in schools and in public affairs. Other demands included the freedom to fly the tricolor flag used during Armenia's brief independence between 1918 and 1920, the right to open consulates in countries with large Armenian populations, and the creation of an Armenian army detachment so that young men from the Armenian Soviet Republic could perform their military service on home soil.⁷

The growing Armenian demands resulted in the establishment of independent political parties in the country – the most prominent and popular one being the Armenian Pan National Movement – ANM (Hayots Hamazgain Sharzhum – HHSh). In the local parliamentary (Soviet) elections in 1990, the ANM saw one of its leaders, Levon Ter-Petrossian, elected president of the Presidium of the Supreme Soviet of the Armenian SSR.⁸ After the ANM came to power, events unravelled quickly and Armenia was set on its path to independence. In September 1991, a referendum resulted in overwhelming (99%) support for Armenia's independence and eventual secession

⁵ For more on this time period see Hovannisian, R., *Armenia on the Road to Independence*, Berkeley: University of California Press, 1984

⁶ For a detailed discussion of the initial years of the Soviet Union see Pipes, R., *The Formation of the Soviet Union; Communism and Nationalism, 1917-1923*, Cambridge: Harvard University Press, 1964

⁷ For an overview of the political situation during transition see Suny, R., *Looking Toward Ararat: Armenia in Modern History*, Bloomington: Indiana University Press, 1993 and Masih, J. and R. O. Krikorian, *Armenia at the Crossroads*, Amsterdam: Harwood Academic Publishers, 1999

⁸ Nationalist Leader Elected President of Legislature, *Washington Post*, 6 August 1990

from the USSR.⁹ On 23 September 1991, the parliament declared an independent republic, and a month later the first ever presidential elections returned Levon Ter-Petrossian as elected president with a vast majority of the votes.¹⁰

Even before independence, Armenia was engaged in war with its eastern neighbour Azerbaijan over the mostly Armenian populated enclave of Nagorno-Karabakh. For roughly six years – until a cease-fire agreement in 1994 mediated by the Organization of Security and Cooperation in Europe (OSCE) – the issue of Nagorno-Karabakh was the major agenda item in Armenia’s foreign policy. The Nagorno-Karabakh conflict also affected Armenia’s relations with its western neighbour Turkey, already strained because of genocide accusations, when Turkey announced the closure of its border with Armenia for the duration of the war and subsequent occupation of Azerbaijani land.¹¹

By 1998 Armenia had fairly well functioning state institutions and the economy was showing strong signs of development. In February 1998 Prime Minister Robert Kocharian – who had left his position as president of the unrecognized republic of Nagorno-Karabakh to become prime minister at Ter-Petrossian’s invitation – staged a bloodless palace coup against Ter-Petrossian and soon after assumed the presidency. While the period of the Kocharian administration (1998-2008) was in the main characterized by increased economic development and performance, there was at the same time continued, and even increased, intolerance towards political dissent. The closing down of opposition media outlets and imposition of constraints on international media active in Armenia have been common occurrences during the last several years. At the same time, however, a number of institutions protecting human rights have also been created, mostly in response to demands from the Council of Europe and as conditions for Armenia’s accession to that body. The last few years have also witnessed the rise of civil society movements acting as advocates and protectors of citizens’ civic and human rights, which ensured that human rights and human rights violations received considerable attention during and after the 2008 presidential elections.

2 Government, Economy and Politics

2.1 Government Structure

Similar to many post-Soviet republics Armenia has a super-presidential system with a substantial amount of power concentrated in the executive branch. According to Armenia’s constitution the president is directly elected for a five-year term (with a limit of two terms) and is the head of the executive branch. The president appoints and has the right to dismiss the prime minister and the cabinet. The prime minister and his cabinet have to receive a parliamentary vote of confidence before taking office. Over successive years Armenia’s presidents have managed to concentrate more power in their hands and made the government highly centralized. Presidents

⁹ United Press International, Armenians Near Unanimous for Independence, 22 September 1991

¹⁰ Associated Press, Armenia Declares Independence, 23 September 1991; ITAR-TASS News Agency, Ter-Petrossian Becomes President of Armenia, 19 October 1991

¹¹ Gorvett, J., Turkey and Armenia Explore Rapprochement, *Eurasia Insight*, 16 July 2003, <http://www.eurasianet.org/departments/insight/articles/eav071603.shtml> [accessed September 2008]

have extensive influence on both domestic and foreign policy and can appoint or dismiss government officials with few restrictions. The prime minister has mostly administrative powers, overseeing the government's regular activities and coordinating the work of ministers.¹²

The unicameral legislative branch of government (the National Assembly) consists of 131 deputies elected for a four year term, of whom 90 are elected according to proportional representation (party lists), while the remaining 41 are elected according to single mandate plurality election (first past the post). Following the 2007 parliamentary elections there are five parties represented in the parliament. Four of these parties – the Republican Party of Armenia (Hayastani Hanrapetakan Kusaktsutyun – HHK), Prosperous Armenia (Bargavadj Hayastani Kusaktsutyun – BHK), the Armenian Revolutionary Federation-Dashnaktsutiun (ARF-D), and Rule of Law (Orinants Erkir – OE) – are part of the coalition government, while the smaller Heritage Party (Zharangutyun) is the sole parliamentary opposition party.

The judicial branch consists primarily of the Constitutional Court with nine judges, five of whom are appointed by the parliament and the remaining four by the president. There is a Judicial Council headed by the president, which works in conjunction with the Ministry of Justice and is the main body responsible for appointing and dismissing judges in civil, economic and military courts.¹³

The lack of any check and balances system within the government has made it impossible to develop any meaningful institutional opposition to the ruling coalition. Other than on minor issues, the parliament usually follows the line laid down by the executive and the president can rely on the comfortable parliamentary majority of his own HHK party to pass legislation when needed.

2.2 Economic Overview

As a part of the Soviet Union, Armenia witnessed increased industrialization and the development of light and medium industries. Agriculture also developed thanks mostly to the introduction of mechanized farming which yielded higher crops.

After independence in 1991 Armenia's economy experienced a sharp decline due to the loss of guaranteed Soviet markets as well as the war with Azerbaijan in Nagorno-Karabakh. The supplies of gas and oil which used to be delivered from Azerbaijan stopped and the alternative gas pipeline from Russia via Georgia was regularly sabotaged. The Metsamor nuclear power plant (the only one in the South Caucasus) had been closed in 1988, after a major earthquake hit northern Armenia, thus making the country completely dependent on fossil fuel. In 1992 when Turkey closed its border with Armenia in support of Azerbaijan, the Armenian government decided to reactivate the Metsamor plant, a process that started in 1995.¹⁴ Today Metsamor

¹² Armenia, Constitution of the Republic of Armenia, 27 November 2005. All references to the Constitution are to the official translation available on UNHCR Refworld, <http://www.unhcr.org/refworld/docid/447ee4534.html> [accessed September 2008]

¹³ *Ibid.*

¹⁴ United States, Energy Information Administration, *Country Analysis Briefs: Caucasus Region*, Washington, updated May 2006, <http://www.eia.doe.gov/emeu/cabs/Caucasus/pdf.pdf> [accessed September 2008]

provides almost 40 per cent of Armenia's electricity needs and the nuclear fuel is provided by Russia, which also controls the management of the plant.¹⁵

Since the signing of a cease-fire agreement with Azerbaijan in 1994, successive Armenian governments have concentrated efforts on implementing aggressive and ambitious development strategies under the auspices of the International Monetary Fund and managed to cut down inflation and to stabilize the local currency, the Armenian Dram. According to the latest estimates Armenia's GDP stands at US\$ 7.974 billion while GDP per capita is US\$ 4,900. The GDP growth rate is reputed to have been in double digits in the last five years, with the latest estimates putting it at 13.8 per cent. The bulk of the labour force is divided between agriculture (46.2%) and services (38.2%).¹⁶

One of the biggest problems of the economy is the heavy presence of Russian state and private companies in many of the key assets. For instance in December 2002 the Armenian parliament voted to transfer control of five Armenian state-owned enterprises to Russia in exchange for the elimination of debt that Armenia owed to Russia. The scheme, known as "assets-for-debts", assumed that in return for cancellation of Armenia's US\$ 94 million debt to Russia, the control of strategic enterprises in Armenia would be transferred to Russia. The enterprises involved – the Yerevan Research Institute of Automated Control Systems, the Hrazdan Thermal Power Plant, the Yerevan Institute of Computers, the Mars Plant, and the Research Institute of Materials Science – were mostly defence-related industries and could be used in Russia's arms programme.¹⁷

It should be noted that remittances from Armenians working abroad (mostly in Russia, Western Europe and the US) contribute about 10 per cent of GDP, and could be as high as US\$ 900 million.¹⁸

2.3 Foreign Policy

As a result of Armenia's geographic position as a landlocked country, fear of isolation has tended towards a strategy of reliance on outside forces; this belief has been reinforced from the late eighteenth century on, when Russia by and large has acted as that "outside" force. This reliance on Russia has continued even though Russian views and policies towards Armenians and Armenia have been less than consistent and Russian policy has seen instances of neglect towards Armenia.¹⁹

¹⁵ Russia Takes Control of Reactor, *Nuclear Engineering International*, 7 March 2003, <http://www.neimagazine.com/story.asp?storyCode=2018143> [accessed September 2008]

¹⁶ United States, Central Intelligence Agency, *The World Factbook 2007: Armenia*, Washington, (updated) August 2008, <https://www.cia.gov/library/publications/the-world-factbook/geos/am.html> [accessed September 2008]

¹⁷ Interfax News Agency, Armenia Ratifies Transfer of Assets in Repayment of Russian Debt, 4 December 2002

¹⁸ See Roberts, B.W., *Remittances in Armenia: Size, Impact, and Measures to Enhance their Contribution to Development*, Yerevan: USAID, October 2004, http://hdr.undp.org/docs/network/hdr_net/Armenia%20Remittance%20Report.pdf [accessed September 2008]

¹⁹ For a discussion of this issue see Suny, *Looking Towards Ararat*, pp 34-43

In the “new world order” after the fall of the Soviet Union, Armenian foreign policy makers realized that their foreign policy orientation should be shifted from a traditional Russo-centric approach to a more balanced orientation vis-à-vis the new actors and old neighbours in the region. This created a challenge, especially considering the fact that Armenia lacked natural resources and trained human resources, at least in the early years of independence. Neither did the country have the capacity to conduct a foreign policy that did not take sides with any major power and was based on cooperation with all. The external factors influencing this were also important, since in the early 1990s the regional and international system was still in flux after the disappearance of the Soviet Union and the apparent end of the Cold War. Thus in a volatile and constantly changing world system, Armenia had to find a formula based on which it could conduct balanced relations, especially with the United States and Russia.

The principle of balanced foreign policy remained a focal point in Armenian diplomacy and evolved into a doctrine. Thus during the tenure of President Ter-Petrossian, the notion of establishing good relations with all of Armenia’s neighbours was reiterated repeatedly, but it was not until the Robert Kocharian administration that this notion was given the name “complementary” foreign policy. While this seemingly quantified the concept, it lost its true meaning because of the over-dependence of the Kocharian administration on Russia. In accordance with the principle of a balanced foreign policy Armenia has, however, been an active member in NATO’s Partnership for Peace programme as well as in Commonwealth of Independent States security agreements, while developing close working relations with Iran.

The two major issues on the foreign policy agenda remain the negotiations with Azerbaijan over the status of Nagorno-Karabakh and relations with Turkey, which is still maintaining its border blockade with Armenia and is not accepting that the killings at the turn of the twentieth century in the Ottoman Empire constituted genocide.

3 2008 Presidential Elections

The presidential elections of 19 February 2008 are significant, not just for their outcome, but because the character of the campaign illustrates many of the social and political challenges to Armenia’s development as a modern democratic state. The election also acted as a referendum on the ten years of Robert Kocharian’s presidency and by extension on the presidency of his predecessor Levon Ter-Petrossian, who was now making a bid to regain power. Already in the parliamentary elections the previous year, in May 2007, the ruling HHK party had, however, consolidated its power and prepared the ground for its leader Serge Sargsyan to run a successful presidential campaign.

While the campaign was dominated by two candidates, Prime Minister Serge Sargsyan, leader of the governing HHK, and former president and ANM leader Levon Ter-Petrossian, a total of nine candidates entered the fray. These included the former speaker of parliament and leader of the OE party, Artur Baghdasaryan, the deputy speaker of parliament and executive member of the ARF-D party, Vahan

Hovannisyan, and a former prime minister as well as defence minister during Ter-Petrosian's reign, Vazgen Manukyan.²⁰

3.1 Pre-election Developments

Former president Levon Ter-Petrosian enjoyed the support of two smaller opposition parties, Aram Sargsyan's (no relation to Serge Sargsyan) Republic Party and Stepan Demirchyan's People's Party. Prime Minister Sargsyan arguably ran the most aggressive campaign, with his photo captioned by the slogan "Forward Armenia" plastered on billboards, posters, and buses throughout the capital. Even taxi services sported small flags bearing Sargsyan's message. Some of the other candidates were visibly active in their campaigns with their share of publicity and offices appearing across the city. Nevertheless Sargsyan's efforts were dominant. His posters were even displayed on the walls of stations operated by the Yerevan Metropolitan transit system, which is state controlled.

Opinion polls run in the weeks preceding the elections yielded such disparate results that they themselves could be regarded as part of campaign propaganda. According to a US-sponsored Gallup poll carried out in December 2007 by the Armenian Sociological Association, Prime Minister Sargsyan enjoyed 35 per cent of public support, with the OE leader, Artur Baghdasaryan, at about 13 per cent. Yet Levon Ter-Petrosian, who was widely believed to be the only opposition candidate with a decent chance of winning, was estimated to have garnered not even three per cent support.²¹ Rival presidential candidates claimed that the poll was biased and were quick to brush aside the official results. The newspaper *Aravot* conducted its own poll in mid-December, claiming that Prime Minister Sargsyan would get 19.2 per cent of the vote and Ter-Petrosian 9.2 per cent, while other candidates would all receive less than five per cent of votes. However, 30 per cent of those polled were undecided about whom to support.²²

On 6 February *Armenialiberty* reported that in the town of Ardashat, located in the northern part of the Ararat region, violence broke out at a rally held by Levon Ter-Petrosian. Stones were thrown by several unknown assailants at Ter-Petrosian supporters and beatings also took place. One stone narrowly missed Ter-Petrosian himself. While the incident was underway Ter-Petrosian alleged that Prime Minister Sargsyan and President Kocharian were personally responsible for the disruptions. Ter-Petrosian then complained that the regional governor Alik Sargsyan had failed to provide police assistance in pacifying the situation. Later the police accused Ter-

²⁰ Danielyan, E., Nine Candidates Register for Armenian Presidential Election as Campaigning Begins, *Eurasia Daily Monitor*, Vol. 5, No 17, 29 January 2008, http://www.jamestown.org/edm/article.php?article_id=2372758 [accessed September 2008]

²¹ 2008 Presidential Monitor, *Caucasian Knot*, 9 November 2007, <http://blog.oneworld.am/2007/11/09/presidential-election-monitor/> [accessed September 2008]

²² 2008 Presidential Monitor, *Caucasian Knot*, 11 December 2007, <http://blog.oneworld.am/2007/12/11/2008-presidential-election-monitor-16/> [accessed September 2008]

Petrosian of instigating the scuffles in the crowd, which numbered about 1,000 people.²³

Presidential candidates were actively accusing one another of faults and wrong doings. The most notable accusation was made in early February by Baghdasaryan, who claimed he had received assassination threats which he attributed to Prime Minister Sargsyan and the government. The accusation was flatly denied by Sargsyan.²⁴

On 8 February Ter-Petrosian appealed to the Constitutional Court to have the elections, due on 19 February, postponed by two weeks citing slander in the media. The government-controlled public television station had been airing a “smear campaign” against the opposition candidate, casting him in a negative light. According to the Election Code a presidential candidate has the right to file a motion for postponing an election if there are “insurmountable obstacles” to his or her own campaign.²⁵ The motion was rejected by the Constitutional Court on 11 February, as being unsupported by sufficient evidence.²⁶

Ter-Petrosian, failing to rally all opposition forces behind him, began to lash out at other candidates. One target was Baghdasaryan, who was called a “traitor” several times in public on 14 February for failing to officially support Ter-Petrosian while keeping his name on the ballot. There had been speculation that the two opposition candidates would join forces in an effort to erode support for Prime Minister Sargsyan. Ter-Petrosian at a rally in the town of Meghri on the Iranian border claimed that “whatever he says, if Artur Baghdasaryan doesn’t join our movement, he will play the role of a traitor, he will help Serge Sargsyan”.²⁷

Ter-Petrosian also attacked the ARF-D for not joining him, the same party he had banned in the mid-1990s, when several of its members were arrested on charges of terrorism which were never fully substantiated. The ARF-D chairman countered vigorously: “Why did he attack us? He came to our office [in September] and said, ‘You are right to nominate your candidate because you are not our rival, because he

²³ Danielyan, E., Ter-Petrosian Rally Marred by Violence, *Armenialiberty News*, 6 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/2D48BCBA-E823-450F-B42D-12418CD11C82.asp> [accessed September 2008]

²⁴ Danielyan, E. *et.al.*, Baghdasarian Claims ‘Death Threats’ in Yerevan Rally, *Armenialiberty News*, 4 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/1F102113-286B-477B-BE73-C0618E5BC745.asp> [accessed September 2008]

²⁵ Khachatrian, R., Ter-Petrosian Demands Election Delay, *Armenialiberty News*, 8 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/5F0DEA92-071E-4D43-B395-EA9FA3EFD338.asp> [accessed September 2008]

²⁶ Khachatrian, R., High Court Refuses to Delay Armenian Vote, *Armenialiberty News*, 11 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/29B04096-E91D-4CB6-9A82-B7E1C67E1C92.asp> [accessed September 2008]

²⁷ Stepanian, R. and R. Khachatrian, Ter-Petrosian Furious as Baghdasarian Stays in Race, *Armenialiberty News*, 14 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/742DEDEA-0103-44F2-8B81-5CCB58AF3ABA.asp> [accessed September 2008]

who votes for you will never vote for me.’ Now he is saying that all other candidates are serving Serge.’²⁸

Similarly strong attacks on Ter-Petrosian came from his former prime minister and defence minister, Vazgen Manukyan, who lashed out in anger at people attending his own rally for their newfound support for Ter-Petrosian, whom they had previously helped to topple and accusing them of serving not the country but themselves.²⁹

3.2 Press Coverage

The press was undoubtedly biased in their reporting of the campaign and elections. Many newspapers are known or believed to be owned or controlled by various politicians. For instance *Haykakan Zhamanak* was long thought to be partially financed by ANM supporters, while *Hayots Ashkhar* was rumoured to have been backed by Prime Minister Sargsyan. And the weekly newspaper *Yerkir* as well as the television station of the same name are controlled by the ARF-D³⁰.

The government-owned public media, including the television station, ran a continuous smear campaign against the major opposition candidate Ter-Petrosian. The TV stations kept running clips and reports mocking the country’s first president and claiming that the return of Ter-Petrosian to the presidency would result in a return to the dark and cold times which Armenia witnessed in the early 1990s because of war, blockade and lack of resources.³¹

As far as the rest of the media was concerned, they were engulfed in predictions and the news reports were riddled with sarcasm, pessimism, and speculation. In January the *Zhamanak Yerevan*, for instance, claimed that Baghdasaryan had held secret talks with Sargsyan seeking to be appointed prime minister after Sargsyan won the presidency. Such opinions were hardly ever substantiated yet they went largely unchallenged. On the other hand they came from all directions and were directed at all candidates, with the majority of comments, positive and negative, attaching to the two perceived front runners, Serge Sargsyan and Levon Ter-Petrosian.³²

²⁸ Khachatryan, R., Dashnak Leader Hits Back at Ter-Petrosian, *Armenialiberty News*, 15 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/E83CAF06-2F49-447F-98BD-5C6AF2B33BF6.asp> [accessed September 2008]

²⁹ Bedevian, A., Angry Manukian Rules Out Support for Ter-Petrosian, *Armenialiberty*, 13 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/57AADA53-DDA2-46AE-9E6D-EBC46EB5F10E.asp> [accessed September 2008]

³⁰ See Andreasyan, K., *Media Landscape: Armenia*, Maastricht: European Journalism Centre, [2003], http://www.ejc.net/media_landscape/article/armenia/ [accessed September 2008]

³¹ See Hancilova, B. and O. Azatyan, Armenian Presidential Elections Decided by the Past?, *Central Asia Caucasus Institute Analyst*, 6 February 2008, <http://www.cacianalyst.org/?q=node/4788> [accessed September 2008]

³² For a detailed, quantitative analysis see, Echo Research Ltd, *Media in Armenia 2008: Pre-Election Analysis 21st to 27th January 2008*, Godalming, 2008, http://www.europeandemocracy.org/Portals/6/Final_Media_Report_Armenia.pdf [accessed September 2008]

3.3 Election Day

There were many media reports of rights violations taking place on the day of the election. A number of these were later documented by Human Rights Watch as well as OSCE, which had sent 400 election observers to Armenia. Most of the incidents involved beatings of journalists and local observers who were trying to report or document voting irregularities. The overwhelming majority of the cases documented were in and around the capital, Yerevan, and were directed against opposition supporters.

Several cases of beatings and harassment occurred in the Erebuni district of Yerevan, one of the more volatile parts of the city. At one voting precinct a reporter, Lusine Barseghyan from *Haykakan Zhamanak*, a pro-Ter-Petrossian daily newspaper, was badly beaten after attempting to investigate a complaint that ballots were being confiscated by the local election commission representative. The police denied that the incident occurred in the form it had been reported.³³

The Ter-Petrossian campaign declared that 14 of its activists were assaulted at various voting precincts in Abovyan, 10 km north of Yerevan, including a female campaign representative who was apparently taken away from the precinct by three men, driven outside the city by car, beaten and abandoned. She later claimed that one of the men responsible was a bodyguard of Gagik Tsarukyan, a wealthy and influential businessman whose political party, Prosperous Armenia, has close ties to Sargsyan and the government.³⁴

Human Rights Watch issued a report on 21 February documenting a number of incidents of serious abuse on election day, including the Abovyan incident and the attack on the journalist Lusine Barseghyan in Erebuni, where a further two observers were assaulted, one of them a member of parliament for the Heritage party, which is critical of the government. The other incident concerned a female observer from the NGO Against State Violence, who attempted to take photographs of the voting station, and was first beaten by a police officer, after which an unidentified male physically attacked her and tried to steal her camera. She eventually filed a complaint with the prosecutor's office and a criminal investigation has been launched.³⁵

Outside Yerevan there were also press reports of violations, including voter intimidation, ballot box stuffing, interference by police and other state agencies. The newspaper *Hetq Online* carried a running report of incidents during the day.³⁶

³³ Bedevian, A. *et al.*, Armenian Opposition Cries Foul amid Reports of Violence, Fraud, *Armenialiberty News*, 19 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/E0CD708F-4B62-4DBF-B71F-29C8FF1C8B3F.asp> [accessed September 2008]

³⁴ *Ibid.*

³⁵ Human Rights Watch, Armenia: Violence at Polling Stations Mars Elections, New York, 21 February 2008 (press statement), <http://www.hrw.org/english/docs/2008/02/21/armeni18128.htm> [accessed September 2008]

³⁶ The Presidential Elections, *Hetq Online*, 19 February 2008, <http://www.hetq.am/eng/politics/7593/> [accessed September 2008]

3.4 Post-Election Developments

As predicted, Serge Sargsyan emerged as the winner with 52.8 per cent of the vote, with Levon Ter-Petrosian a distant second at 21 per cent. The opposition rejected the result, although international observers claimed that the elections had mostly been fair. The two opposition representatives on the Central Electoral Commission refused to support the Commission's report of the results. The Ter-Petrosian camp immediately began rallying its supporters to collectively demand new elections. Peaceful protests were initiated on 20 February with a sit-in demonstration going into effect on 21 February. Supporters pitched tents around Liberty Square. Ter-Petrosian and his followers vowed to continue their daily protests, which were reported to be attracting tens of thousands of people, until such time as new elections would be called. Police, including riot police, were immediately posted around government buildings as soon as the election results were made public, in anticipation of unrest.³⁷

Matters came to a head in the early morning of 1 March, when approximately 2,000 protesters lodging in tents and camped out on park benches were forcibly removed by riot police without advance warning. There were reports that large numbers of people were injured and Levon Ter-Petrosian was placed under house arrest. During the day the situation escalated, with several clashes between demonstrators and police. About 10,000 people converged on an intersection where three embassies and Yerevan's City Hall are located. Hundreds were injured in the melee and at least eight people were killed. Stores were looted and cars destroyed. By late evening President Kocharian declared a state of emergency and the army occupied Republic Square as well as other parts of the city. Police stopped and searched all vehicles entering Yerevan at several checkpoints. Representatives of OSCE, the EU and the US State Department attempted to modify the government's hard stance. The extraordinary measures were set to last for 20 days.³⁸ The declaration of a state of emergency was based on Article 55(14) of the Constitution, which states that the President "in the event of an imminent danger to the constitutional order, after consulting with the Chairman of the National Assembly and the Prime Minister, shall declare state of emergency and take measures appropriate in the given circumstances and address the people on the situation".³⁹ After the state of emergency was lifted on 21 March, new restrictions on public gatherings were put in place, and were used to detain opposition supporters.⁴⁰

While the government maintained that the violent events of 1 March arose from the legitimate need to disperse a demonstration that was a threat to public order and safety, others, including the Human Rights Defender's Office in a report issued 25 April, maintained that the security forces and riot police had acted with totally

³⁷ Danielyan, E. *et al.*, Armenian Opposition Starts 'Non-Stop' Protests in Yerevan, *Armenialiberty News*, 21 February 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/02/33FDA5E0-D727-4261-9BA3-00910C725CB4.asp> [accessed September 2008]

³⁸ Radio Free Europe/Radio Liberty, Eight Killed in Armenia after Clashes between Police, Protesters, March 2008, <http://www.globalsecurity.org/military/library/news/2008/03/mil-080302-rferl01.htm> [accessed September 2008]

³⁹ Armenia, Constitution, Chapter 3, Article 55 (14)

⁴⁰ Human Rights Watch, Armenia: Lift Ban on Peaceful Protest: Opposition Demonstrators Detained under New Restrictions, New York, 27 March 2008 (press statement), <http://www.hrw.org/english/docs/2008/03/27/armeni18366.htm> [accessed September 2008]

disproportionate force, first when they removed the thousands of protesters who were encamped in Liberty Square, and later the same day in the running battles with demonstrators. The Defender's report also emphasized that the root cause of the events of 1 March was the irregularities and violations that had occurred during the presidential elections and contributed to the outcome of the elections.⁴¹

Press freedom was also affected by the state of emergency. Some online news sources were shut down and several newspapers refused to print since they were not able to freely comment on the recent events. News stations, primarily public television, reported official news approved by the authorities but also broadcast verbal attacks on the opposition. Over one hundred suspected and genuine opposition supporters were arrested during the span of one month. The Defender's report concludes that "the measures implemented during the state of emergency did not help to relieve the tension in society".⁴²

International criticism of the Armenian government's actions was swift. The Council of Europe demanded an independent investigation into the events of 1 March, the immediate release of political prisoners and the lifting of restrictions on the right to public assembly and also stressed that dialogue must be established between the government and opposition forces.⁴³ The Council of Europe's Venice Commission and the Office for Democratic Institutions and Human Rights specifically rejected the legislative amendments that perpetuated the restrictions on public assembly.⁴⁴ Similar criticism came from international human rights NGOs.⁴⁵

The Parliamentary Assembly of the Council of Europe (PACE) also called for independent investigation into the events of 1 March and their aftermath and in particular strongly criticized the arrest and continued detention of opposition supporters, which it characterized as a "de facto crackdown on the opposition by the authorities". In a resolution passed on 17 April it laid down a number of liberalizing measures required of Armenia, under threat that the country could lose its voting rights in PACE.⁴⁶ Armenian government representatives, including the president elect,

⁴¹ Armenia, Human Rights Defender, *Ad-Hoc Public Report on the 2008 February 19 Presidential Elections and the Post-Electoral Developments*, Yerevan, 25 April 2008, <http://www.ombuds.am/main/en/10/31> [accessed September 2008]

⁴² *Ibid.*

⁴³ Khachatryan, R., Council of Europe Officials Discuss Armenian Crisis with Sarkisian, *Armenialiberty News*, 1 April 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/04/101ABCC4-E1AE-4E33-820E-3A1E5EE1E4D2.asp> [accessed September 2008]

⁴⁴ Council of Europe, European Commission for Democracy Through Law, *Draft Amendments to the Draft Law of April 2008 on Amending and Supplementing the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia*, Strasbourg, 9 June 2008, [http://www.venice.coe.int/docs/2008/CDL\(2008\)078-e.pdf](http://www.venice.coe.int/docs/2008/CDL(2008)078-e.pdf) [accessed September 2008]

⁴⁵ Danielyan, E. and A. Bedevian, Armenian Rally Ban 'Unacceptable' to European Watchdogs, *Armenialiberty News*, 3 April 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/04/84034F99-C18A-4404-ABEC-CE3ACFC5B0F8.asp> [accessed September 2008]

⁴⁶ Council of Europe, Parliamentary Assembly, *Resolution 1609 (2008): Functioning of Democratic Institutions in Armenia*, Strasbourg, 17 April 2008,

Serge Sargsyan, immediately broadly accepted PACE's demands, and have in fact since then carried out some measures. These, however, have been judged by PACE to be totally inadequate, although the organization, in June, agreed to allow Armenia a further six months to comply, before facing membership sanctions.⁴⁷

It is clear that the issues raised by the turbulent presidential elections of 2008 will continue to affect national and international perceptions of Armenia's human rights status for a long time to come.

4 Human Rights

Armenia's formal commitment to international human rights norms is clearly expressed in Article 3 of the Constitution, which states:

- the human being, his/her dignity and the fundamental rights and freedoms are an ultimate value;
- the state shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of the [sic] international law;
- the state shall be limited by fundamental human and civil rights as a directly applicable right.⁴⁸

Armenia has ratified virtually all the main UN human rights conventions, three of the ILO conventions on basic labour standards (collective bargaining, forced labour and equal pay), and most of the Council of Europe's conventions on basic rights.⁴⁹

However, in common with most of the former Soviet republics, Armenia has had problematic issues with actual protection of the human rights of its citizens. From 1998 to 2007 Freedom House has consistently ranked Armenia each year as being only a "partly free" nation.⁵⁰

Several NGOs, both local and international, work towards the improvement and awareness of human rights protection in Armenia. Examples include Society Without Violence, a local NGO founded in 2000, which addresses young women with the long term goal of forming a "civil and democratic society without violence". The Institute for Democracy and Human Rights (IDHR) has been operating since 1999 with the intent to forge civil society, strengthen regional cooperation, and maintain awareness

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1609.htm> [accessed September 2008]

⁴⁷ Abrahamyan, G., Armenia Retains Voting Rights in Council of Europe's Parliamentary Assembly, *Eurasia Insight*, 26 June 2008, <http://www.eurasianet.org/departments/insight/articles/eav062608.shtml> [accessed September 2008]

⁴⁸ Armenia, Constitution, Chapter 1, Article 3

⁴⁹ See European Union, Commission, *Country Report: Armenia*, Brussels, 2 March 2005, http://ec.europa.eu/world/enp/pdf/country/armenia_country_report_2005_en.pdf [accessed September 2008]

⁵⁰ Freedom House, *Freedom in the World: Armenia (2007)*, Washington, 16 January 2008, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2007&country=7126&pf [accessed September 2008]

of human rights initiatives not only in Armenia but in the entire South Caucasus region.⁵¹ The website Human Rights in Armenia, which is an initiative of Open Society Institute's Armenia division, posts daily updates about human rights issues affecting Armenian society.⁵²

4.1 Influence of International Organizations

A key motivating factor for the Armenian state to begin to bring its practices into line with international norms for human rights and freedoms has been its membership in international organizations including the UN, but perhaps in particular the Council of Europe and its sub-bodies, such as the Parliamentary Assembly. Membership of the European Union's European Neighbourhood Policy programme has also been of importance.

Armenia applied for membership of the Council of Europe in 1996 but did not become a full member until 25 January 2001. Full membership status is conditional on Armenia complying with a number of commitments stipulated by the Council, including a range of specific human rights requirements:

- to fully implement the reform of the judicial system, in order to guarantee, inter alia, the full independence of the judiciary and full and immediate access to a defence lawyer in criminal cases (compulsory for minors); if necessary, the costs should be borne by the state;
- to ensure that all churches or religious communities, in particular those referred to as "non-traditional", may practise their religion without discrimination;
- to co-operate fully with NGOs in ensuring that the rights of prisoners and conscripts are respected;
- to adopt, within three years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors sentenced to prison terms or service in disciplinary battalions, allowing them instead to choose, when the law on alternative service has come into force, to perform non-armed military service or alternative civilian service;
- to turn the national television channel into a public channel managed by an independent administrative board.⁵³

In January 2007, PACE adopted a resolution stating that Armenia's revised constitution is consistent with European standards but encouraged the country to further implement electoral, media, and justice system reforms. The resolution expressed disappointment over Armenia's continued failure to introduce a genuine civilian alternative to military service.⁵⁴

Armenia has been involved with the European Union since 1996, when an EU-Armenia Partnership was entered into (ratified in 1999). This was strengthened when

⁵¹ See the website of the IDHR at <http://www.idhr.am/eng/about/> [accessed September 2008]

⁵² See <http://www.hra.am/eng/> [accessed September 2008]

⁵³ Council of Europe, Information Office in Armenia, *Armenia's Membership in the Council of Europe*, Yerevan, n.d., http://www.coe.am/index.php?cat_id=35&out_lang=eng [accessed September 2008]

⁵⁴ Human Rights Watch, *World Report 2008: Armenia, Events of 2007*, New York, 2008, <http://www.hrw.org/englishwr2k8/docs/2008/01/31/armeni17642.htm> [accessed September 2008]

the enlarged EU developed its European Neighbourhood Policy, which Armenia joined in 2004.⁵⁵ However, human rights groups have expressed concern that the European Union does not put enough pressure on Armenia when it comes to its obligations concerning human rights legislation and protection.⁵⁶

4.2 National Human Rights Defender (Ombudsman)

According to the constitution the Human Rights Defender, or Ombudsman, is an independent official elected by the National Assembly for a period of six years by a three fifths majority. The Defender's purpose is to implement "the protection of the violated human rights and fundamental freedoms by state bodies, local self-government bodies and their officials".⁵⁷

The first Human Rights Defender, Larisa Alaverdyan, took up her position in February 2004, proposed by President Kocharian and ratified by the parliament.⁵⁸ However, Alaverdyan faced insurmountable problems which curbed her authority to investigate court cases or to voice concerns on government practices which violated basic human rights. In 2005 constitutional amendments were carried out which were used by president and parliament to terminate Larisa Alaverdyan's tenure, only two years after her appointment. While originally accused of being a pro-government official, Alaverdyan earned acclaim from Armenian civic groups during her two-year tenure for repeatedly criticizing the Armenian authorities' human rights record and in particular their 2004 crackdown on the opposition.⁵⁹

The current Human Rights Defender, Armen Harutyunyan, was elected by the parliament in February 2006, after some hesitation indicated by the need to go to a second round of voting before the necessary majority was achieved. Harutyunyan was widely regarded at the time as loyal to President Robert Kocharian's administration and policies, having formerly served as an advisor to the president on constitutional law. At the time of his appointment Harutyunyan announced that he would be less confrontational vis-à-vis the government than his predecessor.⁶⁰ However, by the time of the 1 March 2008 crackdown by the authorities on protesters against the result of the February 2008 presidential elections, Harutyunyan issued a sharply critical report,

⁵⁵ European Union, Commission, *Country Report: Armenia*

⁵⁶ See e.g. Human Rights Watch, EU-South Caucasus: Concrete Human Rights Benchmarks Needed, New York, 9 December 2005 (press statement), <http://hrw.org/english/docs/2005/12/09/azerba12177.htm> [accessed September 2008]

⁵⁷ Armenia, Constitution, Chapter 4, Article 83.1

⁵⁸ Danielyan, E., First Armenian Human Rights Ombudsman Appointed, *Armenialiberty News*, 19 February 2004, <http://www.armenialiberty.org/armeniareport/report/en/2004/02/32D547C4-9418-4D86-B88F-F2412BCA361F.ASP> [accessed September 2008]

⁵⁹ Bedevian, A., Parliament Leaders Refuse to Extend Rights Defender's Tenure, *Armenialiberty News*, 27 December 2005, <http://www.armenialiberty.org/armeniareport/report/en/2005/12/9C6446D4-D25F-4C5F-97D7-A1262B9A1BED.asp> [accessed September 2008]

⁶⁰ Bedevian A. and R. Khachatryan, Kocharian Adviser Elected Ombudsman, *Armenialiberty News*, 17 February 2006, <http://www.armenialiberty.org/armeniareport/report/en/2006/02/C487E889-588D-4C85-8641-A49ABD21A326.asp> [accessed September 2008]

which irritated Kocharian to the point where he even went so far as to publicly regret his initial backing of Harutyunyan for the Defender position.⁶¹

Less controversial was the agreement entered into in February 2007 between the Office of the Human Rights Defender and United Nations Development Programme (UNDP) to spread awareness of human rights by producing a series of television programmes for the public television station, which is government. The goal of the series is to explain how citizens can protect their own human rights and what the procedures are for doing so. Another goal of the television programme is to present reports to the public about how human rights protection efforts are advancing. The series is scheduled to last through December 2008.⁶²

Despite the relatively high number of complaints that are received by the Office of the Human Rights Defender, very few cases are actually heard. In 2007 the Human Rights Defender received over 5,000 complaints from citizens, 879 of which were submitted in writing. Of those written complaints, only 292 were accepted for consideration, with 115 complaints actually leading to some form of redress, while 337 complaints were determined and rejected. The highest number of complaints, 1,133, concerned the office of the mayor of Yerevan, while 213 concerned police actions and 129 were complaints against the courts. There were also complaints about violations of constitutional rights – 181 based on Article 34 of the Constitution, which provides for an adequate standard of living, while there were 165 claims of violations of Article 42, which secures additional rights and freedoms provided by laws and international treaties even if not specified in the constitution.⁶³

The Office of the Human Rights Defender remains one of the most promising – while at the same time one of the weakest – institutions concerned with safeguarding the protection of human rights in Armenia. The relatively high number of complaints filed with the office, as well as the Defender’s criticism of the handling of opposition groups in the 2008 presidential elections, could generate increased public trust in the office even if it remains a highly politicized position.

4.3 Freedom of the Media

Article 27 of the Constitution is clear on the issue of press and media freedom. “Freedom of mass media and other means of mass information shall be guaranteed. The state shall guarantee the existence and activities of an independent and public radio and television service offering a variety of informational, cultural and entertaining programs.”⁶⁴

⁶¹ Kocharian Blasts Armenian Ombudsman, *Armenialiberty News*, 5 March 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/03/CA0BFD67-5C6A-4AD0-BEA7-60BBEC9BC719.asp> [accessed September 2008]

⁶² United Nations Development Programme, UNDP and the Armenian Human Rights Defender Sign an Agreement to Support Human Rights Protection and Promotion in the Country, Yerevan, 8 February 2007 (press statement), <http://www.undp.am/?page=LatestNews&id=370> [accessed September 2008]

⁶³ Armenia, Human Rights Defender, *Statistics 01.01.2007-31.10.2007*, Yerevan, 26 November 2007, <http://ombuds.am/main/en/9/27/1129/> [accessed September 2008]

⁶⁴ Armenia, Constitution, Chapter 2, Article 27

However, in the last five years in particular, freedom of the media has been constantly undermined by the authorities. Airtime for TV and radio stations not regarded as “loyal” has been restricted, journalists have been intimidated and, in the aftermath of the 2008 presidential elections, outright censorship of all media outlets was instituted. In 2006 there were 57 commercial TV stations in Armenia, only four of which have nation-wide reach. Most of the others are broadcast from Yerevan and reach only a limited local area. Furthermore the five largest TV stations – including the one public service station – focus on the daily activities of the country’s leadership, on state structures, official figures and influential businessmen, and do not provide opportunities for a balanced coverage of news and issues.⁶⁵

Article 83.2 of the constitution provides for a regulatory body, the National Commission on Television and Radio.

To ensure the goals of freedom, independence and plurality of the broadcasting media, an independent regulatory body shall be established by the law, half of whose members shall be elected by the National Assembly for a six-year term while the other half shall be appointed by the President of the Republic for a six-year term. The National Assembly shall elect the members of this body by a majority of its votes.⁶⁶

In addition, a separate body, the Public Television and Radio Company, similarly appointed, controls the issuing of licences for all radio and television broadcasting. In effect, therefore, the government oversees both the regulatory and the administrative bodies concerned with broadcasting.⁶⁷ This leaves the way open to media censorship by direct or indirect means.

Two of the most prominent cases of media censorship have been those of the television station A1 Plus and the radio station Radio Liberty. Until its closure in 2002, A1 Plus had been Armenia’s main independent TV station, frequently criticizing government policies. In April 2002 the TV station was not only denied the right to renew its access to Armenian TV frequency but it was also denied the right to broadcast through a private cable TV network.⁶⁸ For the last six years A1 Plus has constantly applied for, and been refused, permission to broadcast, and the former TV station is now one of Armenia’s main web-based news sources.

In June 2007 and ahead of the 2008 presidential elections, the National Assembly passed the first reading of a bill which if ratified would have banned any foreign TV or radio station from using Armenia’s public airwaves and would also have imposed a hefty fee for re-broadcasting of material from foreign TV or radio stations by local private media outlets. The main target of this law was the Prague based and US

⁶⁵ Organization for Security and Cooperation in Europe, *The State of Media Freedom in Armenia: Observations and Recommendations*, Vienna, 26 July 2006, www.osce.org/item/24699.html [accessed September 2008]

⁶⁶ Armenia, Constitution, Chapter 4, Article 83.2

⁶⁷ Organization for Security and Cooperation in Europe, *The State of Media Freedom in Armenia*

⁶⁸ Dashtents, A., A1 Plus TV Forced Off the Air, *Armenialiberty News*, 3 April 2002, <http://www.armenialiberty.org/armeniareport/report/en/2002/04/B925560F-4120-48CC-B200-31BF494F91EE.asp> [accessed September 2008]

funded Radio Liberty, which was also the main independent radio station in Armenia.⁶⁹ The bill eventually failed in the National Assembly, as the small number of opposition deputies walked out of the session, thereby denying a quorum and guaranteeing the continued broadcast of Radio Liberty.⁷⁰

Media freedom received another blow during the 2008 presidential elections when President Kocharian announced a 20-day state of emergency in Yerevan, banning “strikes, public rallies, demonstrations, marches and other mass events”, and more significantly, censoring all media reports and limiting them to “official information of state bodies”.⁷¹

4.4 Freedom and Security of the Person

The Armenian Constitution contains several articles guaranteeing citizens due process of the law and protection against wrongful imprisonment.⁷² However there have been cases of wrongful imprisonment and even death in custody, which the authorities have either denied or dismissed as suicide. One of the most recent such cases occurred in May 2007, when a restaurant owner named Levon Gulyan died in custody at the Ministry of Internal Affairs in Yerevan. The official report stated that Gulyan, who was being questioned regarding a fatal shooting that occurred outside his restaurant, died after jumping out of a second story window. However, witnesses reported that Gulyan’s body bore bruises suggesting that he had been tortured, though an independent autopsy was inconclusive.⁷³ Reports of brutality in police custody, and of a regular practice of obtaining confessions through brutal interrogation of suspects, are common, but believed to represent only a portion of cases, with victims afraid of reporting their experiences.⁷⁴

5 Vulnerable Groups

During the post-Soviet period there has been an increase in awareness of ethnic and religious minorities in Armenia. In a number of cases this has actually made the situation of members of these minorities more precarious. A second broad area of vulnerability is the armed services, where both issues of conscientious objection and the overall treatment of conscript troops have given rise to concern both within Armenia and internationally. The situation of women has deteriorated significantly compared with the Soviet era both in terms of protection and status in society. The

⁶⁹ Grigoryan, M., Armenia’s Radio Liberty Faces Uncertain Future, *Eurasianet*, 2 July 2007, <http://www.eurasianet.org/departments/insight/articles/eav070207a.shtml> [accessed September 2008]

⁷⁰ Khachatrian, R. and A. Bedevian, Armenian Parliament Rejects Foreign Media Bill, *Armenialiberty News*, 3 July 2007, <http://www.armenialiberty.org/armeniareport/report/en/2007/07/A7642A9D-150A-488C-A39D-12EAB14CCEBB.asp> [accessed September 2008]

⁷¹ Kotchikian, A., Armenia under State of Emergency, *ISN Security Watch*, 4 March 2008, <http://www.isn.ethz.ch/news/sw/details.cfm?ID=18716> [accessed September 2008]

⁷² Armenia, Constitution, Chapter 1, Article 3; Chapter 2, Articles 14-22

⁷³ Amnesty International, *The State of the World’s Human Rights 2008: Armenia*, London, 2008, <http://thereport.amnesty.org/eng/regions/europe-and-central-asia/armenia> [accessed September 2008]

⁷⁴ United States, Department of State, *Country Reports on Human Rights Practices 2007: Armenia*, Washington, 11 March 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100546.htm> [accessed September 2008]

following sections will examine each of these broad areas in some details and attempt to position the issues within the larger human rights protection context.

5.1 Ethnic Minorities

While Armenia is one of the most homogeneous countries in the world, with 98 per cent of the population ethnic Armenians, the country is also home to several ethnic minority groups. Of these the most numerous is the Yezidi community, numbering 40,620 people according to the 2001 population census. There are also Russians (including Molokans), Assyrians, and Greeks with populations of 14,660, 3,409, and 1,176 respectively. Additionally, there are 1,633 Ukrainians and 1,519 Kurds, with 4,640 of mixed nationalities.

The ethnic minorities of Armenia tend to live in tightly knit communities in specific regions of the country. Most Assyrians live in the towns of Arzni (25 km north of Yerevan) and in Dimitrov (30 km south of the capital). A thriving Greek community once inhabited the northern resort town of Hankavan, although the number of inhabitants has now dwindled to only a handful of families, mainly due to lack of employment and insufficient infrastructure and access to utilities. Molokans primarily reside in communities throughout the Lori and Tavush regions, as well as in Yerevan.

5.1.1 *The Yezidis*

The Yezidis are non-Muslim ethnic Kurds who began settling in Armenia in the nineteenth century to avoid persecution by the Ottoman Turks. Their religion incorporates elements of Zoroastrianism, Islam, Christianity, and Judaism. The majority of Armenian Yezidis define themselves as ethnically Kurdish but culturally Yezidi, while a minority insists that their ethnic identity is Yezidi. Most Yezidis speak the Kurmanji dialect of Kurdish, though a minority claim a distinct Yezidi language known as Ezdiki. It appears, though, that the distinction is mainly in the written language, in that Kurmanji uses the Latin alphabet while Ezdiki uses Cyrillic.⁷⁵

The Yezidis principally live in communities scattered across the Armavir and Aragatsotn regions of the country, making their living by raising livestock and cultivating the land. Their numbers are dwindling as many leave their villages in search of work abroad, primarily in Russia. One issue of concern to many rural Yezidis is that they have been the losers in Armenia's drive towards privatization of land ownership since independence. Linguistic and cultural isolation appears to have kept Yezidi farmers out of the official processes of land auctions.⁷⁶

Many Yezidis are politically active, and some are supporters of the nationalist Kurdistan Workers Party (PKK), which has an unofficial support office located in the town of Alakyaz. Some public places feature posters of former PKK leader Abdullah

⁷⁵ For a fuller analysis of the situation of the Yezidi community in Armenia, see Writenet, *The Human Rights Situation of the Yezidi Minority in the Transcaucasus (Armenia, Georgia, Azerbaijan)*, May 2008, pp 14-21, <http://www.unhcr.org/refworld/pdfid/485fa2342.pdf> [accessed September 2008]; see also Krikorian, O., Armenia: Yezidi Identity Battle, *IWPR Caucasus Reporting Service*, No 364, 2 November 2006, http://www.iwpr.net/?p=crs&s=f&o=325045&apc_state=henh [accessed September 2008]

⁷⁶ Council of Europe, European Commission against Racism and Intolerance, *Second Report on Armenia*, Strasbourg, 2007, p. 24, http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/armenia/Armenia_second_report_-_cri07-1.pdf [accessed September 2008]

Ocalan pasted on walls.⁷⁷ The leader of the Union of the Yezidis of the World, Aziz Tamoyan, is based in Yerevan, but many Yezidis reject his self-claimed status as the head of the community. As early as August 2007, Tamoyan called on the Yezidi community to endorse Serge Sargsyan in his bid for the presidency in anticipation of the February 2008 elections, but the community as a whole was divided on the issue.⁷⁸ A reported incident of harassment on the day of the presidential elections, of a Ter-Petrossian supporter in the Yezidi-populated Ria Taza, was very similar in character to other attacks on opposition supporters and should probably not be regarded as an instance of ethnic persecution.⁷⁹

5.1.2 *The Molokan Community*

The Molokan community is one of the longest surviving minority groups in Armenia, with exclusively Molokan villages near the city of Vanadzor and the town of Stepanavan in the Lori region in northern Armenia. Many Molokans also live in Yerevan, where there is steady work for them. Molokans are ethnic Russians who split from the Russian Orthodox church in the seventeenth century, after a profound religious schism. They were compelled to move to the South Caucasus to escape persecution from the Russian tsars at the beginning of the nineteenth century. They adhere to strict religious practices leading simple lives and generally associate only with each other – they have been compared to the Amish in the United States. There are Molokan communities scattered throughout the South Caucasus. As of 2005 approximately 5,000 Molokans were living in Armenia, down from 12,000 in 1991.⁸⁰

Because many Molokans tend to speak only Russian and young children are not encouraged to learn Armenian, access to mainstream education is a problem and the Russian-language text books that are used in Molokan village schools are outdated, having survived the end of the Soviet era. Children sometimes leave school by the second or third grade, although the accepted schooling period is through grade eight, and after this rudimentary education are required to cultivate land or work in other manual labour. Education beyond elementary level tends not to be accessible to Molokan youngsters because of their lack of facility in the Armenian language.⁸¹

Active persecution of Molokans has by and large not been observed. A case in 2005, in which a Molokan conscientious objector was jailed, also involved three Jehovah's Witnesses, who had apparently agreed to alternative service at a psychiatric hospital, but subsequently refused this service as well, after which they were sentenced to prison.⁸² According to *Caucasian Knot News*, the Molokan in question, Pavel Karavanov, was "the first member of the Molokans to be jailed for conscientious

⁷⁷ Krikorian, O., Kurdish Nationalism in Armenia, *Oneworld Multimedia Blog*, 7 May 2006, <http://oneworld.blogsome.com/2006/05/07/kurdish-nationalism-in-armenia/> [accessed September 2008]

⁷⁸ Shoghikian, H., Yezidi Leader Backs Sarkisian for Presidency, *Armenialiberty News*, 21 August 2007, <http://www.armenialiberty.org/armeniareport/report/en/2007/08/C795D797-C74B-4956-80E0-70F800F40084.asp> [accessed September 2008]

⁷⁹ The Presidential Elections

⁸⁰ Krikorian, O., Armenia: Lessons for a Molokan, *Eurasianet*, 13 September 2005, <http://www.eurasianet.org/departments/insight/articles/pp091305.shtml> [accessed September 2008]

⁸¹ *Ibid.*

⁸² *Ibid.*

objection to military service since the Soviet period".⁸³ Karavanov was released in 2006. Although several Molokans have cited conscientious objection to avoid military service, they have not been prosecuted by Armenian authorities under what appears to be an accepted mutual understanding, and Karavanov's case was therefore an exception.⁸⁴

5.2 Religious Minorities

5.2.1 Jehovah's Witnesses

The genesis of the Jehovah's Witnesses community in Armenia lies as far back as 1975. At present they number about 9,000 persons. They often recruit members by distributing Armenian-language literature in public and also going door-to-door to people's homes, in locations all across the country. Although the group has long sought registration as a religious organization domiciled in Armenia this was refused on at least 15 occasions, before finally being granted in 2004.⁸⁵

The main issue affecting Jehovah's Witnesses in Armenia concerns their conscientious objection to the military service that is compulsory for Armenian males. Unarmed service has been available since 2004, under the Law on Alternative Service, but because this service is generally administered within the military structure, it does not qualify as genuine equivalent civilian service. Jehovah's Witnesses, who reject the alternative service offered, are punished with imprisonment, usually for two years, though on a considerable number of occasions sentence was extended on appeal by the prosecutor. Amnesty International recorded 82 Jehovah's Witnesses jailed as prisoners of conscience in September 2007.⁸⁶

Armenia's failure to provide a genuine civilian alternative to military services continues to draw criticism from organizations such as Amnesty International and Forum 18, as well as the Council of Europe.⁸⁷

5.2.2 Jews

According to historical accounts Jews have had a presence in Armenia since the first century BC. However, the present day Jewish community in Armenia dates from migration from other republics during the Soviet period, many first arriving in the 1930s and after the end of World War II from Ukraine. Yet more Jews moved to Armenia in the 1970s, when facing anti-Semitic sentiments in Russia. Most of these

⁸³ New Record of Number of Religious Prisoners of Conscience in Armenia, *Caucasian Knot News*, 5 September 2007, <http://eng.kavkaz-uzel.ru/printnews/engnews/id/1186018.html> [accessed September 2008]

⁸⁴ Amnesty International, *Armenia: Fear of the Freedom of Conscience and Religion: Violations of the Rights of Jehovah's Witnesses*, London, 16 January 2008, <http://www.amnesty.org/en/library/asset/EUR54/001/2008/en/EUR540012008en.html> [accessed September 2008]

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*; Corley, F., Armenia: Nearly 50 Jehovah's Witness and Molokan Prisoners of Conscience, *Forum 18 News*, 22 February 2006, http://www.forum18.org/Archive.php?article_id=732 [accessed September 2008]; Council of Europe, Parliamentary Assembly, *Honouring of Obligations and Commitments by Armenia: Resolution 1532 (2007)*, Strasbourg, 2007, Section 6.7, http://www.coe.am/docs/pace/resolution_1532_en.pdf [accessed September 2008]

moved on to settle in Israel when the Soviet Union allowed large scale emigration under *perestroika*. It would appear, however, that this emigration was due to the attraction of Israel rather than to any problems experienced by the Jewish community in Armenia. The Nagorno-Karabakh war, however, persuaded many of the remaining Jews to leave the country – most of whom belonged to the middle class of intellectuals, businessmen, and professionals such as doctors. An estimated 800-900 Jews currently reside in Armenia, chiefly in Yerevan and Vanadzor.⁸⁸ A tiny, elderly, impoverished and largely ignored Jewish community comprising a dozen people also exists in the town of Sevan.⁸⁹

5.3 Human Rights in the Military

Compulsory military service in Armenia is known to take place under harsh living conditions, often without properly functioning infrastructure in place, and with conditions of barracks varying from region to region. The standard draft age is 18, but students can defer military service until after completing university, and in the case of postgraduate studies sometimes reach the cut-off age of 27 years without ever entering military service. It is not rare for young men to choose emigration to avoid military service, and it is usually possible for them eventually to return and sort out subsequent difficulties with their citizenship as well as military service status by paying a few thousand dollars in fines.

5.3.1 Hazing

Hazing has been defined as “any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person’s willingness to participate”.⁹⁰ In the Armenian military hazing practices can be very harsh and have sometimes even resulted in death. Reliable information about the full extent of hazing does not exist. However, it is clear that conscripts from minority groups such as Yezidis, as well as Jehovah’s Witnesses and others seeking alternative service due to conscientious objection, and also homosexuals, endure particularly harsh treatment by the military.⁹¹

In 2005, of six cases of deaths investigated by the military three were related to hazing. Some international human rights organizations claim that more hazing-related deaths occurred than reported, although that assertion was rejected by Armenia’s prosecutor general.⁹² The following year 20 military personnel were convicted of hazing-related crimes, but no hazing-related deaths were reported, either by the office of the prosecutor or by NGOs.⁹³ In 2007, however, three homicides and four cases of suicide of army personnel were reported to have been related to hazing. No official figures were released indicating the number of soldiers who endured hazing, though

⁸⁸ Hovhannisyan, H., There Have Always Been Jews in Armenia, *Hetq Online*, 30 April 2007, <http://www.hetq.am/eng/society/644/> [accessed September 2008]

⁸⁹ Hovhannisyan, H., The Jewish Community of Sevan, *Hetq Online*, 28 May 2007, <http://www.hetq.am/eng/society/651/> [accessed September 2008]

⁹⁰ <http://www.stophazing.org/definition.html> [accessed September 2008]

⁹¹ United States, Department of State, *Country Reports on Human Rights Practices 2005*

⁹² *Ibid.*

⁹³ United States, Department of State, *Country Reports on Human Rights Practices 2006: Armenia*, Washington, 6 March 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm> [accessed September 2008]

37 military personnel were convicted of abuses connected to the practice. Human rights groups believe that the true figure for deaths, directly or indirectly through suicide, due to hazing is higher.⁹⁴

5.3.2 Other Violence and Brutality

In 2006 a soldier claimed that he had been raped numerous times by fellow conscripts as well as an officer, starting shortly after he began his service in the army at a remote base on the Nagorno-Karabakh border. The soldier was so distraught that he had threatened to kill himself; he also claimed he had been beaten with a shovel by an officer, he lost weight massively and was eventually hospitalized after his mother appealed directly to the minister of defence. In the hospital he reportedly encountered four other soldiers who also claimed to have been raped.⁹⁵

Also in 2006 one of three soldiers serving a life-sentence for a double murder staged a hunger strike in protest at his conviction the previous year. He claimed that he had been physically tortured and threatened with rape for five days when undergoing interrogation by senior military officers. He was forced to confess to the crime and also implicated two others while under duress. Lawyers representing the three men claimed that the convictions were a cover-up for the actual culprit, a senior ranking military official. In December 2006 the Court of Cassation, Armenia's highest judicial instance, overturned the verdict and released the three men from prison, but ruled that the case, which was deemed to have been improperly handled, must be sent back to the prosecutor's office. The case was re-opened in July 2008 and has attracted strong condemnation from Human Rights Watch as well as national NGOs and individuals.⁹⁶

In June 2007 the European Court of Human Rights ruled against Armenia in a case involving a soldier who was sentenced in 1999 to 10 years in prison for killing a fellow soldier. This was another case of forced confession: "The ECHR noted that the applicant and two witnesses had been coerced into making confessions, a fact which domestic courts confirmed when the police involved in the case were convicted of mistreatment."⁹⁷

Following the 2008 elections, and under a new defence minister, plans are being developed for comprehensive reform of the armed services. While the principal focus of the reforms are structural, with the introduction of civilian post holders in many

⁹⁴ United States, Department of State, *Country Reports on Human Rights Practices 2007*

⁹⁵ Violence in the Ranks: Army Conscript Says He Was Raped by Comrades, *ArmeniaNow*, 17 February 2006, <http://www.armenianow.com/?action=viewArticle&IID=1069&AID=1362&lng=eng> [accessed September 2008]

⁹⁶ United States, Department of State, *Country Reports on Human Rights Practices 2006*; Vantsian, S., Acquitted Ex-Soldiers on New Murder Trial, *Armenialiberty*, 4 July 2008, <http://www.armenialiberty.org/armeniareport/report/en/2008/07/D8AB899D-9D56-4B0F-9A67-2AFC085CBBFF.asp> [accessed September 2008]; Danielyan, E., U.S. Watchdog Defends Armenian Soldiers Jailed for Life, *Armenialiberty*, 13 September 2008, <http://www.armenialiberty.org/armeniareport/report/en/2006/09/37BE08ED-D821-4BCF-9870-5F360FC6CD4C.ASP> [accessed September 2008]

⁹⁷ United States, Department of State, *Country Reports on Human Rights Practices 2007*

functions at present carried out by uniformed military officers, the reforms are also intended to move the Armenian armed forces closer to international, including NATO, standards, which might alleviate some of the defects identified above.⁹⁸

5.4 Gender Based Human Rights Issues

5.4.1 Prostitution

Prostitution is not legalized in Armenia, and the operation of brothels is prohibited by law. Nevertheless, prostitution is generally tolerated by police with some exceptions. Prostitution amongst young teenage girls exists but it is a taboo subject and is not addressed by society.

As of July 2004 officially 2,000 women were registered as prostitutes by the police department. The majority of prostitutes in Armenia walk the streets in search of customers.⁹⁹ The actual number of prostitutes in Armenia is believed to be as high as 5,000, with 1,500 of them based in Yerevan.¹⁰⁰

Women who are compelled to work as prostitutes often face ill-treatment by clients, some of whom beat and cheat them. Police have also been known to treat prostitutes very badly, especially those working in downtown Yerevan. There have been cases where prostitutes were taken away by police officers to be beaten, and subsequently their hair was shaved or cut close to the scalp with scissors. The prostitutes would resume their work the following day wearing wigs to disguise their baldness.¹⁰¹

5.4.2 Human Trafficking

Human trafficking remains a significant problem facing vulnerable Armenian women. Although an extensive, nearly two year-long investigation by the online newspaper *Hetq Online* and a companion video documentary called “Desert Nights” from 2005 to 2006 exposed several players in the trafficking ring, arrests and convictions are few and far between. Nevertheless the investigations increased awareness of trafficking-related crimes and the prosecution of perpetrators increased. Women who are victims of trafficking end up chiefly in the United Arab Emirates or Turkey. In most cases, they are young, naïve women from small towns and villages who were promised work in menial jobs somewhere in Europe by special recruiters, usually women. Recruiters are often acquaintances of the victims. Once the victims arrive at their destination their passports are confiscated immediately by the parties meeting them and they are subsequently forced into prostitution. To earn back their passports they are required to pay thousands of dollars to their pimps. In some cases, police officers are also involved in the trafficking racket.¹⁰²

⁹⁸ Tadevosian, A., Armenia Positive about Military Reform, *IWPR Caucasus Reporting Service*, 7 August 2008, http://iwpr.net/?s=f&o=346042&p=crs&l=EN&apc_state=hena-Armenia_3_crs_-3+month_publish_date_1_10_compact [accessed 2008]

⁹⁹ Life and Death in the Armenian Sex Trade, *Hetq Online*, 6 July 2004, <http://archive.hetq.am/eng/society/0407-gvardanyan.html> [accessed September 2008]

¹⁰⁰ United States, Department of State, *Country Reports on Human Rights Practices 2007*

¹⁰¹ The Armenian Sex Trade – 3, *Hetq Online*, 20 July 2004, <http://archive.hetq.am/eng/society/0407-gvardanyan-2.html> [accessed September 2008]

¹⁰² Trafficking in Armenian Women, *Hetq Online*, 17 December 2003, <http://archive.hetq.am/eng/society/h-1203-trafficking-1.html> [accessed September 2008]

Armenia's formal response to the human trafficking problem has been developing since 2002, when an advisory body on trafficking was established. Legislation criminalizing trafficking has been framed and enforcement as well as measures of support for victims of trafficking pursued to a certain extent. A National Plan to Combat Trafficking was adopted in 2004, and in July 2006 the law against trafficking was strengthened by increasing the maximum sentence on perpetrators from three to fifteen years. However, implementation has been hesitant and patchy and there is no coherent strategy for either victim support or prosecution of traffickers.¹⁰³

By the end of 2006 the office of the prosecutor general had evidence of at least 40 women who had been victims of trafficking, 36 of whom ended up in the United Arab Emirates, Turkey, and Russia for sexual exploitation. The other four were exploited within Armenia. Nearly 100 others were victims of pimping, 38 of whom were exploited in Armenia and 61 in the United Arab Emirates as well as Turkey. By September 2006, eight individuals had been convicted of trafficking-related crimes and 18 others were sentenced for pimping.¹⁰⁴ Statistics from the prosecutor general's office for 2007 showed 36 victims of trafficking who had been sent to the United Arab Emirates or Turkey, while 107 were victims of pimping, of whom 77 had been exploited in Armenia and 30 others in the United Arab Emirates or Turkey. Only 10 perpetrators were convicted of trafficking-related crimes.¹⁰⁵

The gap between intention and reality in official and societal responses to human trafficking has partly been due to the fact that many of the trafficked women were already working as prostitutes in Armenia, and were regarded as "having themselves to blame", when they found themselves without passports and virtually imprisoned in brothels in a foreign country. International organizations, including OSCE, UNDP and the International Organization for Migration, are working, together with national NGOs such as Caritas Armenia, the Armenian Red Cross, the Armenian Relief Agency, Democracy Now and Hope and Help, to assist the government in developing stronger legal as well as victim support mechanisms to help deal with trafficking and also to modify public perception of traffickers and their victims.¹⁰⁶

5.4.3 Domestic Violence, Sexual Assault, and Rape

In Armenia no law exists that protects spouses against domestic violence. Although domestic violence is not generally openly condoned, in Armenian social culture it is not unusual for the violence inflicted against a woman by her male partner to be considered justifiable, sometimes even by the victim herself. Moreover, women who feel that they have been victimized might not report the violence to the police for fear of repercussions of additional physical abuse or that they would be forced to return to

¹⁰³ Organization for Security and Cooperation in Europe, *Trafficking in Human Beings in the Republic of Armenia: An Assessment of Current Responses*, Yerevan, 2007, http://www.osce.org/documents/oy/2007/04/24090_en.pdf [accessed September 2008]

¹⁰⁴ United States, Department of State, *2006 Country Reports on Human Rights Practices*

¹⁰⁵ United States, Department of State, *2007 Country Reports on Human Rights Practices*

¹⁰⁶ Organization for Security and Cooperation in Europe, *Trafficking in Human Beings in the Republic of Armenia*

their husbands. Some women are also embarrassed to bring such personal issues to light.¹⁰⁷

According to a recent survey study conducted nationwide by the Turpanjian Center for Policy Analysis in affiliation with the American University of Armenia, nearly 30 per cent of women had experienced physical abuse at home, and nearly 50 per cent had been subjected to psychological or emotional abuse. The survey also showed that a majority of women believe that it is important for the husband to demonstrate his dominance, and for the wife to demonstrate her obedience, although almost all the women interviewed agree that men should not hit their wives.¹⁰⁸

Any form of rape is punishable by law with prison sentences lasting up to 15 years. Nevertheless many cases go unreported, because women fear that they will face public backlash and humiliation. During 2007, only seven cases of rape or attempted rape were reported, with four perpetrators convicted.¹⁰⁹ Thirty-one cases of rape or attempted rape were reported in the first nine months of 2006, with 14 convictions for rape and five for attempted rape.¹¹⁰ In 2005, 50 cases of rape and attempted rape were reported, and 21 suspects were convicted, according to statistics released by the prosecutor's office.¹¹¹

5.4.4 Homosexuality

There is little or no tolerance for homosexuality in Armenia.¹¹² A survey conducted by *Hetq Online* of 100 random people revealed that 53 per cent of respondents felt animosity towards homosexuals, while only 4 per cent were fully accepting. Nearly 75 per cent said they would disown their child if he or she were homosexual.¹¹³ Because of the prevalence of such attitudes gays and lesbians for the most part keep their sexual orientation secret, although there is at least one gay bar in Yerevan. Homosexual men, in particular, run a considerable risk of being physically attacked. Gay men serving in the army are especially vulnerable and often singled out by military officers for hazing.¹¹⁴ In 2007 some homosexual men went to the extent of avoiding military service by being certified as suffering from mental illness, and having their passports marked accordingly.¹¹⁵

¹⁰⁷ United States, Department of State, *Country Reports on Human Rights Practices 2007*

¹⁰⁸ Dallakyan, A., N. Hakobyan, L.H. Danielian, *Report on Nationwide Survey Findings: Domestic Violence and Abuse of Women in Armenia*, Yerevan: Turpanjian Center for Policy Analysis, May 2007, <http://www.aua.am/research/cpa/index.html> [accessed September 2008]

¹⁰⁹ United States, Department of State, *Country Reports on Human Rights Practices 2007*

¹¹⁰ United States, Department of State, *Country Reports on Human Rights Practices 2006*

¹¹¹ United States, Department of State, *Country Reports on Human Rights Practices 2005*

¹¹² For an overview, see, Canada, Immigration and Refugee Board, *Armenia: The Situation of Homosexuals and Lesbians*, Ottawa, 19 January 2006, <http://www.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449805> [accessed September 2008]

¹¹³ Harutyunyan, S., Armenia's Animosity Towards Gays, *Hetq Online*, 6 August 2007, <http://www.hetq.am/eng/society/673/> [accessed September 2008]

¹¹⁴ United States, Department of State, *Country Reports on Human Rights Practices 2004: Armenia*, Washington, 28 February 2005, <http://www.state.gov/g/drl/rls/hrrpt/2004/41668.htm> [accessed September 2008]

¹¹⁵ United States, Department of State, *Country Reports on Human Rights Practices 2007*

Until August 2003 homosexuality was illegal under Armenian law, and punishable by imprisonment of up to five years. The law had not been enforced since 1998, but actively used until then, with seven men imprisoned in 1996 and four in both 1997 and 1998. In this climate homosexuals often faced harassment from police who extorted bribes and subjected them to frequent arrests.¹¹⁶ This practice has not ceased, as illustrated when a gay businessman was found dead in his home in August 2006, and police investigating his death rounded up and questioned gay men at random.¹¹⁷

Homosexuals in Armenia are slowly beginning to seek peer support through self-help organizations and through some human rights groups, such as the Armenian Helsinki Group which has provided practical support for homosexual men who are victims of police harassment and blackmail.¹¹⁸

6 Conclusions and Outlook

Since Armenia's independence in 1991 human rights issues have played a part in defining the terms of the country's interaction with the international community. Armenia's continued interest in joining European structures such as the Council of Europe and the European Union's outreach mechanisms have had a profound effect on the Armenian constitution and legislative mechanisms in the direction of greater compliance with European standards for the protection of human rights. Domestically there has been a pattern of increased activism by civil society groups and non-governmental organizations focusing on various aspects of human rights protection. However, in many respects societal attitudes have been slow to change and this is acting as a retardant even when the legal provisions exist – implementation, not legislation, has proved to be the difficult task. This applies, as we have seen, across the board, from media freedom and political rectitude to the situation of women and conscript soldiers.

On the formal level Armenia has been compliant with the requirements for modification of constitutional provisions put forward by the Council of Europe, OSCE and the EU to address human rights issues. The transition from mostly Soviet era legislation to a more Euro-standard constitution was, for the most part, complete with the referendum held in 2005, which adopted an amended constitution incorporating most of these international demands.

One of the major means of international scrutiny has been the observation of parliamentary and presidential elections over the last 10 years. During that time, reports by OSCE election monitors have suggested steady progress in the standards of freedom and fairness of elections. However, the 2008 presidential elections gave the impression that this trend had been reversed, with widespread electoral violations, post-election demonstrations and heavyhanded suppression. Post-election Armenia is only very slowly moving to repair the damage done to its democratic credentials, and

¹¹⁶ Alexanian, Z., Armenian Gays Get Organised, *IWPR Caucasus Reporting Service*, 21 April 2004, http://www.iwpr.net/index.php?apc_state=hen&s=o&o=p=crs&l=EN&s=f&o=161027 [accessed September 2008]

¹¹⁷ United States, Department of State, *Country Reports on Human Rights Practices 2006*

¹¹⁸ Alexanian

the deadline of January 2009 set by the Council of Europe's Parliamentary Assembly for Armenia to comply with a long list of demands will be critical in this respect. There are some signs, however, that President Serge Sargsyan is attempting to put distance between his policies and those of his predecessor Robert Kocharian, even if he is not going as far as his defeated rival Levon Ter-Petrossian, who has attempted to bring Kocharian to court on charges of "crimes against the Armenian people" arising from the suppression of post-election demonstrations.¹¹⁹

¹¹⁹ Grigoryan, M., Armenia: A Push for Kocharian Trial – a Push for PR?, *Eurasia Insight*, 6 August 2008, <http://www.eurasianet.org/departments/insight/articles/eav080608a.shtml> [accessed September 2008]

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_____, European Commission for Democracy Through Law, *Draft Amendments to the Draft Law of April 2008 on Amending and Supplementing the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia*, Strasbourg, 9 June 2008, [http://www.venice.coe.int/docs/2008/CDL\(2008\)078-e.pdf](http://www.venice.coe.int/docs/2008/CDL(2008)078-e.pdf) [accessed September 2008]

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