

IHf FOCUS: Legislation; freedom of the media; peaceful assembly; the judicial system and the independence of the judiciary; detainees rights; torture and ill-treatment; religious intolerance; conscientious objection; right to education; rights of the child.

Since the 27 October 1999 incident, when terrorists seized the Armenian Parliament building, killing six deputies, as well as Prime Minister Vazgen Sargsian and Parliamentary Speaker Karen Demirchian, there have been serious threats to the legitimate authorities elected by the people. Immediately after the attack, the Parliament was surrounded by the armed forces, acting under orders from the Defence Ministry (instead of the President, who was the Commander in Chief of the Army). The armed forces soon virtually forced President Robert Kocharian to appoint their own candidates to the highest political positions, including Prime Minister, and Ministers of National Security and Internal Affairs. However, the Defence Ministry soon published an announcement requiring the resignation of the Ministers of National Security and Internal Affairs and the Prosecutor General.

Investigation into the incident in the Parliament was undertaken by the military prosecutor, who became, according to the law, the acting Prosecutor General. The trial opened in February 2001. During the investigation, several persons were arrested and later released. Member of Parliament Mushegh Movsessian, Adviser to the President Aleksan Haroutyunian, Deputy Director of the National TV Haroutiun Haroutyunian, and Journalist Nairi Badalian, later stated that they had been tortured while under arrest.

In addition, lawyers involved in the case stated their concern about the decision of the military prosecutor to divide the case into two: one that treats the actual killers as organizers and perpetrators of the crime, and the other, on which the Prosecutor's Office would work further to find out possible master-minders of the attack. The lawyers believed that the division

of the case would prevent a court from conducting a comprehensive investigation. In addition, the military prosecutor several times mentioned that during the investigation there was pressure on him from different political forces which he did not name.

After October 1999, there were frequent reshuffles in the Government. At the end of 2000, several political parties, such as the Republican Party and National Democratic Party, split on the basis that some of their prominent leaders and supporters expressed their lack of confidence in the policies of the Government.

During 2000, Armenia successfully passed through procedures to access the Council of Europe on 25 January 2001. The Council of Europe acknowledged the democratic trends in Armenia but also stated requirements that Armenia should comply with in the area of legislative and practical reforms in order to better insure the protection of human rights.²

Constitutional changes were considered a priority. For this purpose, governmental working groups were set up to draft amendments to the Constitution. However, the drafting process was not transparent and there was no public discussion on the proposed changes. The same practice was characterized in the general lack of access to information in almost every field in governmental operations in Armenia.

Many publicized human rights concerns revolved around the detention and court proceedings of Ashot Bleyan, the former Ministry of Education and Director of the Mchitar Sebastianski educational complex, and that of Arkady Vartanian, a millionaire businessman, critic of the President and the leader of the 21st Century Association who was arrested for having organised an unsanctioned demonstration and had to

submit to long legal proceedings. Both were considered by human rights organizations and some political parties as political detainees.

Legislation

The drafting and adoption of legislation continued to be characterized by a lack of transparency. No procedures were established for the National Assembly to provide individuals and organizations with draft laws that were under discussion. In only rare cases public discussion and hearings on draft laws took place. According to a valid procedure, draft legislation was presented for discussion and adoption in Parliament by the Government, ministries or deputies of the National Assembly. The participation of interested groups in the process was minimal. Draft amendments to the Constitution prepared by the Presidential Commission on Constitutional Amendments were kept secret awaiting approval from the Venice Commission.

As a result of such non-transparency, laws were inadequately prepared and often had to be amended immediately following adoption.

◆ In October the National Assembly adopted the Law on Broadcast Media. In November the President appealed to the Constitutional Court to revise some of its provisions because they were inconsistent with the Constitution. The Court recommended changing several provisions. On the positive side, following heavy protests, the Commission in the National Assembly responsible for this law invited media associations and private broadcast media stations to come up with proposals for amendments.³

Legal analysts and parliamentarians mentioned numerous inconsistencies between different laws, as well as between the Constitution and other legislation.

Also, a positive development, the Government developed a plan according to which several laws, including the Law on

the Press, on Elections, an Ombudsman and others should be developed and adopted according to the schedule recommended by the Parliamentary Assembly of the Council of Europe (PACE).

However, according to the Civil Society Development Union, the Government should make efforts to broaden the discussion on these important issues.

Freedom of the Media

As of early January 2001, 1,083 media enterprises were registered in Armenia, according to the Ministry of Justice. Of these, 193 were TV companies, 55 radio stations, 27 news agencies, 166 magazines and 642 newspapers.⁴

Financial problems, denial of access to information, questionable criminal defamation laws, and the inadequate laws on the press and the broadcast media were the main problems faced by the Armenian media.

Law on the Press

The Law on the Press and the Mass Media was adopted in 1991 and remained in force throughout 2000. Mass media representatives repeatedly voiced the necessity of a new law, regarding the current one as vague and outdated. They stressed that, for example, the law did not explicitly define the principle of editorial independence, and it declared various media freedoms but failed to provide guarantees for them.

Moreover, the law did not specify the roles, rights and obligations of the founders and the management of a media outlet. It only mentioned that the relations between the founders and the media outlets are regulated by by-laws or agreements signed between them. Also, the law did not say anything about cases with more than one founder. This has been the reason for several conflicts between the editorial staffs and the National Assembly, both founders of the newspapers *Hayastani Hanrapetutjun* and *Respublica Armenia*, when a question about changing the editors-in-

chief has been raised, and were not re-registered by the end of the year, as was provided for by the law.

Access to Information

One of the major problems facing the Armenian media in 2000 continued to be the unjustified restrictions on free access to information. Article 4 of the Law on the Press and the Mass Media entitled the press to receive information from the Government, public and socio-political organizations, and from authorities. In practice, however, media loyal to the Government had access to various kinds of information not available to opposition or independent media. Although the denial of access to information could be litigated about, no media enterprise did it because the trial costs would have been too high, and, more importantly, they believed it would not be possible to have their case tried fairly.

Defamation and Self-Censorship

Article 208 of the Criminal Code provided for criminal defamation and insult. It also prohibited any call for a change of the Government in force (Article 65), dissemination of war propaganda (Article 66), inciting racial enmity (Article 66) and publication of state secrets (Article 70).

Article 208 of the Criminal Code provided that publicly insulting the authorities with regard to their official duties was a crime and subjected to a fine or up to one year of corrective labour. This contradicted many rulings of the European Court of Human Rights, according to which public officials are expected to endure broader public criticism than private individuals.

Most media outlets were financially dependent on the Government, political parties, influential authorities or business people. Therefore they feared criminal charges with the result that self-censorship was widespread.

If a media outlet published information considered a state secret, it could be suspended for three months. The 1996 law on

state secrets divided information into four categories: military, international, economic and intelligence information. Such broad definitions could cover a wide range of information and impose a drastic limitation on access to information, also encouraging self-censorship.

◆ On 27 January a court ruled on the case of Nikol Pashinian, the Editor-in-Chief of the *Oragir* daily. Pashinian faced numerous charges, including libelling the spouse of MP Artashes Geghamian; mentioning the nickname of Norik Ayvazian, a National Assembly candidate and professor of Yerevan State University; insulting bailiffs; negligence at work; publication of unverified information; insulting a representative of the authorities; and non-execution of the sentence of the court. Following long court proceedings, the Court of Appeal found Pashinian eventually guilty of violating Article 184 (negligence at work), Article 208 (insulting a representative of the authorities on duty) and on Article 191(4) (non-execution of the sentence/decision of the court). He received a one-year suspended prison sentence and was ordered to pay compensation of 40 times the minimum salary. The Court of Appeal ordered further investigations on some of the above-mentioned charges. The Court of Cassation upheld the decision. Pashinian and his lawyers declared their intention to appeal to international bodies.⁵

Law on the Broadcast Media

In October the National Assembly adopted a Law on Television and Radio. The law named the state television and radio "public television and radio stations" which are funded from the state budget. The board of directors should approve the strategy and oversee the management of the public stations. However, the board is to be appointed by the President of Armenia.

The law also envisaged a council that regulates the work of independent television

and radio stations. Members of this council are also to be appointed by the President.

The law contained several provisions that restrict media rights. For example, it prohibited broadcast media to show programmes in which state or other official secrets are published, or programmes that violate other persons' rights or presumption of innocence, or libel them (Article 24).

On 12 January 2001, about twenty leading Armenian television channels suspended their prime time broadcasting for 20-45 minutes to protest against the shortcomings in the law. While the law is already in force, amendments to it were scheduled to be discussed in March 2001 in the National Assembly.

Harassment of Journalists and Media Outlets⁶

◆ In the early morning of 21 February, two computers and a printer were stolen from the editorial office of the *Haikakan Zhamanak* daily without any of the doors or windows having been broken. The robbers did not take the recorder that was on the table of the Chief Editor Nikol Pashinian and made no attempt to open the safe. The law enforcement bodies were informed of the incident. A criminal case was initiated and was pending at this writing.

◆ On 3 March the representatives of the parliamentary Unity Faction and the leaders of parties that comprise it made a statement demanding the resignation of Tigran Naghdalian, the executive director of National Television of Armenia. The statement was prompted by the coverage in the *Haylour* (the news bulletin of National Television) of the press conference by Ruben Sahakian and Ruben Rshtuni, lawyers of Alexan and Haroutiun Haroutiunian, both arrested as suspects in the terrorist attack on 27 October 1999 in the National Assembly.

◆ On 30 October, police officers confiscated by force the videotapes from cam-

eramen of ORT, AR, A1+, Noyan Tapan and Armenia TV companies who were covering the arrest of Arkady Vartanian,⁷ the President of 21st Century International Association. On the same day the correspondent of A1+, Mher Arshakian, and the correspondent of RTR in Armenia, Elna Arzumanian, were illegally brought to a the office of the Ministry of Interior Affairs for the same reason. Arshakian was pushed and insulted and forced under threat of beating to sign a permission for a personal search. A few days later the President apologized to journalists for the disrespect shown by police officers.

◆ On the same day, the broadcasting of the Noyan Tapan TV company was interrupted and suspended for the two following days allegedly due to a failure in the station's transmitter. Tigran Haroutiunian, the Director of Noyan Tapan, doubted this explanation but his technical staff were not permitted to go up to check the transmitter. Before this incident, the station had had no technical problems. Haroutiunian believed that the authorities wanted to hinder the station from informing the public about the scandalous arrest of Arkady Vartanian. A few weeks later the Republican Centre of Telecommunications informed Noyan Tapan that the TV tower would be checked due to "disturbances on air". The frequencies used by Noyan Tapan allegedly disturbed the broadcasting of other stations and particularly the communication of the Ministry of National Security. As a result, the Centre of Telecommunications prohibited the use of the antenna, and the station was forced to use another one that did not correspond to the necessary technical specifications, narrowing down significantly the geographical coverage of the station and reducing the quality of the broadcasts. All this led to significant economic damage to the TV company as it no longer attracted advertisers.

◆ On the New Year's Eve, 31 December, a fire started at the editorial office of the

newspaper *Novoye Vremya* in the House of the Press. Unidentified individuals threw bottles filled with gasoline towards the entrance of the office, causing significant material damage. Criminal proceedings were instituted. However, the offenders were not found as of this writing. Ruben Satian, Editor-in-Chief of *Novoye Vremya*, linked the incident with one of the stories about Armenian army that appeared in the newspaper those days.

Peaceful Assembly

Article 26 of the Constitution provides for freedom of assembly and Article 24 for freedom of speech. However, in 2000, Arkady Vartanian, a millionaire, businessman, Russian citizen and leader of the 21st Century Association was arrested for having organised an unsanctioned march at the presidential palace.

◆ On 30 October some 10,000 people attended a three-hour demonstration in central Yerevan blaming President Robert Kocharian for the country's economic problems and the ensuing mass emigration, and submitted a call for his resignation. The demonstration was the culmination of a one-month campaign led by Vartanian. Earlier on the day of the demonstration, Vartanian had been summoned to the Yerevan police headquarters and warned not to make calls for violence. He claimed that the city's police chief had threatened to initiate criminal proceedings against him unless he stop his campaign.

On the evening of that day, police officers forced their way into his house by breaking the door and arrested Vartanian without showing an arrest warrant. Eyewitnesses reported that the police hindered the media from taking pictures of what was happening. About 17 demonstrators were also arrested and sentenced to administrative detention of between seven and 15 days.⁸

On 13 November a first instance court of the Center-Nork-Marash communities charged Vartanian guilty of calling for the vi-

olent overthrow or change of the State and the public system (Article 65 of the Criminal Code). The decision provides for seven years' imprisonment or a fine ranging from 40 to 60 times the minimum wage. Vartanian was detained for two months. On 7 December, the Court of Appeal for Criminal and Military Matters overruled Vartanian's complaint. Arkady Vartanian, who was hospitalised in January 2001 for heart problems, was released on 22 February 2001 but could not leave the hospital because of his health situation. In late February the case of Arkady Vartanian was closed due "to his poor health condition". He left Armenia for a while and then returned.

◆ *Haykakan Zhamanak* reported on 26 November that the opposition Democratic Fatherland party had been denied official permission to hold an anti-governmental demonstration in Yerevan. The party accused the municipal authorities of violating the principle of freedom of assembly guaranteed by the Constitution. The paper noted that no organization had been allowed to get its supporters on to the streets since the 30 October march led by Arkady Vartanian.

Judicial System and Independence of the Judiciary

In 1998, several laws on judicial reforms were adopted, including the Law on the Judicial System. It provided for a new court system, which has been in operation since 1999. Also, a Law on the Status of Judges; a Law on the Activity of Advocates; and a new Civil and Civil Procedure Code as well as a Criminal Procedure Code were adopted.

According to the new legislation, the courts have the right to oversee the process of investigation by the prosecutor, i.e. to approve or to reject the prosecutor's opinions on the arrest or release of individuals, on searches, and the monitoring of private correspondence or tapping phones.

In practice, however, in 2000 judges still tended to fulfil the wishes of the Prosecutor's Office and were under the influence of the executive branch.

The 1995 Constitution provided that judges are to serve their terms until the age of 65. However, in contradiction of this provision, the Law on Judges stipulated that the Armenian President can remove a judge from office on the recommendation of the Judicial Council if, for example, the judge had seriously violated the law or did not act in accordance with regulated "judicial behaviour." However, the reasons and all basis for the Council's decisions were kept secret, it was impossible to judge how independent the judge's decisions were. Between 1999 and the end of 2000, the Council had discussed more than 10 cases.

◆ A judge of the First Instance Court of Armavir marz, Marine Marinossyan, was dismissed for "violations of the law" as she did not sanction the arrest of persons accused of homicide.

◆ Another judge of the First Instance Court in Gegharkunik marz, Anahit Saghatelian, received an administrative punishment for "violations of the Criminal Procedure Code while dealing with criminal cases."

◆ In 2000 a judge from Lori marz was sentenced to five years' imprisonment for taking a bribe of U.S.\$ 800. Consequently, he was dismissed from his post.

The Judicial Council consisted of nine judges, two lawyers and three prosecutors, all appointed by the President to decide on the judges' professional qualifications and promotion. The Council was chaired by the President, and his deputies were the Minister of Justice and the Prosecutor General. The Council kept the number of cases under discussion secret as well as the reasons for its decisions. The PACE recommended that the Armenian Government "reform the Judicial Council in order to increase its independence within three years of accession."⁹

PACE recommendations to the Government stressed the necessity of reforms in the judicial system, particularly, to guarantee "the full independence of the judiciary."¹⁰

The abundance of irregularities in the judicial system resulted in a deeply negative public attitude towards courts and the judiciary. According to a public survey of December 1999, the public perceived the judiciary as the most corrupted state structure. Eighty-four percent of the population of Yerevan, the capital, believed that corruption in the court system was very high. Only 2.7 percent trusted the courts. A public opinion survey conducted by Versus studio in 2000 showed that in case of a dispute that cannot be solved between the parties, 31 percent of the respondents would apply to court, and 68.5 percent would in no circumstances do so. Over 82 percent did not believe that the judiciary was independent.

Detainees' Rights, Torture and Ill-Treatment

Individuals continued to be sentenced to long prison terms on the basis of virtually non-existent evidence, without witnesses and often only on the basis of the information gathered during the interrogation of the defendant. Statements made by the defence to deny guilt were frequently ignored. Lawyers complained that courts did not consider defendants' statements in the court room about physical and psychological abuse during pre-trial detention.

◆ The most typical case of this nature was the trial against Ashot Bleyan, the former Minister of Education and a failed presidential candidate, and the Director of Mkhitar Sebastatsi educational complex at the time of his arrest in May 1999. Bleyan was held 19 months in detention before the court handed down its ruling. The trial was delayed in the Court of First Instance in Malatia Sebastia for eleven months and was characterized by lack of evidence

against Bleyan, negligence of the defender's petitions and biased and generally unprofessional conduct by judge Iskuhi Vartanian. Moreover, Bleyan was held in a cage in the courtroom. The Rapporteur for the Committee on Legal Affairs and Human Rights of PACE, Michael Spindelegger, stated that he found it "inadmissible that a defendant who is not accused of a violent crime, and who can hardly be classified as 'dangerous' (and is not classified as such by the Armenian authorities) is treated in this manner, violating his human dignity and the presumption of innocence. The Assembly should closely follow this trial and its outcome (e.g. in the framework of the monitoring procedure to be instituted)."¹¹ As Bleyan was sentenced to seven years in prison for embezzlement and abuse of power (Article 90.4 of the Criminal Code), and two other rulings were read, nobody stood up in the court room upon the order of the judge to protest the biased court hearings and the verdict. Human rights organizations and political parties protested against the long pre-trial detention as well the unfairness of the court decision and judged the case to be politically motivated. Bleyan appealed to the Court of Appeals on 19 December 1999 and on 2 February 2001 the Court started hearings.

According to the Criminal Procedure Code, only suspects had a right to legal counsel, but not witnesses. In practice, the police could arrest a person as a witness, interrogate him/her without the presence of a lawyer and later decide that he/she was a suspect.

The decisions of the Court of Appeals in criminal cases came into force ten days following the ruling, in civil cases within 15 days. Within this period, individuals could apply to the Court of Cassation (Supreme Court) without legal assistance. However, after that period, one could appeal to the Court of Cassation only with intervention by six lawyers who had been issued a licence to do this.

Ill-treatment and torture of detainees by the police was a serious problem. While earlier the legal detention period before bringing charges was 72 hours, this time was prolonged to 96 hours. In practice, even this time limit was often exceeded.

◆ The Deputy Director of the Armenian National TV, Harutiun Harutunian, and pollster Nairi Badalian, both former suspects in the 27 October incident but later cleared of charges because of lack of evidence, stated that they were subjected to physical and psychological pressure by the investigators while kept in custody.

◆ Norayr Yeghiazarian, a defendant accused of illegal selling of arms to members of the terrorist gang that stormed the Parliament on 27 October 1999 killing eight key officials, died in the prison on 29 August, according to the Ministry of Interior. The cause of the death remained unclear. The Ministry reported that the defendant died from being electrocuted by a water-heating device.

The PACE recommended "to institute, without delay, a follow-up procedure which conforms to Council of Europe standards to complaints received on alleged ill-treatment in police custody, pre-trial detention centres, prisons and the army, and to ensure that those found guilty of such acts are punished in accordance with the law."¹²

During 2000 human rights organizations and activists continued to experience problems getting to places of pre-trial detention and prisons. The Presidential Commission on Human Rights was given the right to visit prisons and reported about humiliating, unsafe and poor conditions.

As of 1 January 2000, a total of 7,428 prisoners were being held in Armenian prisons. Of them, 1,952 prisoners were to serve their sentence in prison colonies, but owing to the lack of funds they stayed at home.¹³ The transfer of the prison system from the jurisdiction of the Ministry of Interior to the Ministry of Justice did not take place.

Religious Intolerance¹⁴

Article 1 of the 1991 Law on Freedom of Conscience, Worship and Religious Organizations guarantees freedom of worship and religious belief, the free choice and exercise of religion, and the right to practice different religions (or none at all) individually or collectively.

There were 45 registered religious organizations in Armenia, representing the main world religions. The Armenian Apostolic Church had the status of the national church and enjoyed special privileges.

Despite the provisions guaranteeing freedom of religion, the Law on the Freedom of Conscience, Worship and Religious Organizations also contained contradictions and restrictions on the right to exercise religion. For example, it was required that a religious group must have 200 members to be registered. Some religious organizations, for example the Jehovah's Witnesses, operated without registration.

According to international standards, a state should equally support all religious denominations. Nevertheless, Article 7 of the Law on the Freedom of Conscience, Worship and Religious Organizations provided that all the registered religious organizations could do charity work whereas another provision (Article 17) granted this right exclusive to the Armenian Apostolic Church. The same applied to the return of church buildings: by law, all registered religious groups had the right to have places of worship, but eventually the law gave only the Armenian Apostolic Church the right to build new churches. Moreover, by law, it was forbidden for a religious group, whose spiritual centre was outside Armenia, to receive financial support from abroad (Article 13).

According to Article 17, religious denominations other than the Armenian Apostolic Church were allowed to worship within their own buildings only, and were prohibited to do so in schools, kindergartens or penitentiaries.

On 17 March the Armenian Apostolic Church and the Government signed the

Memorandum of Understanding, aiming at the preparation and adoption of an Agreement between the State and the Church to grant even more authorities and privileges to the Armenian Apostolic Church in different spheres of life.

Conscientious Objection

The authorities continued to reject the registration of the Jehovah's Witnesses (with about 17,000 members) mainly because they refused to carry out military service which was obligatory: there was no law on either on unarmed military service or an alternative civilian service. Armenia committed to itself to the adoption of such laws upon joining the Council of Europe.

In 2000, nineteen Jehovah's Witnesses who refused to serve the military were imprisoned. The PACE recommended that until the law on alternative service was adopted, the Government pardon all the sentenced conscientious objectors and allow them to carry out the alternative service as soon as a law on it was adopted.¹⁵

However, in early 2001, a week after Armenia's accession to the Council of Europe, Karen Yegoyan, a Jehovah's Witness, was sentenced to two years' imprisonment for refusing to carry out military service. Another four young Jehovah's Witnesses have been arrested since then and are awaiting trial as of this writing.¹⁶

Right to Education

In 1993 Armenia ratified the UN Convention against Discrimination in Education. In addition, in 1996 the Law on the Rights of the Child was adopted, according to which each child has a right to education and choice of school in agreement with his/her parents or other legal guardians (Article 11).

However, since 1999, Waldorf classes in the Yerevan school No. 30 have been subjected to persecution and authorities have hindered their normal functioning. In 1994, the Minister of Education Ashot

Bleyan allowed the opening of the school No. 30 with the aim of developing alternative pedagogical systems in state schools that were based mainly on the traditional Soviet educational principles. In 1999 the existence of the Waldorf school in Armenia was put under doubt despite the fact that numerous inspections carried out by authorities in the Waldorf classes confirmed many progressive developments and that their achievements were consistent with the established state standards. Still, Minister of Education and Sciences, Eduard Ghazarian, issued a decree that the school was allowed to operate only three more years with the goal of integrating its curriculum into the state education structure. By that time, there were eight Waldorf classes with 200 pupils and 26 teachers. The minister was reportedly put under pressure, among others, by the Armenian Apostolic Church and some influential Orthodox people who falsely considered Waldorf pedagogy religiously oriented.

◆ Editor-in-chief of the Armenian Apostolic Church publishing house, Serzh Mayilian, urged in his appeal to the Parliament, Prime Minister and Minister of Education and Science the closure of the Waldorf classes because their pedagogy was anti-national and sectarian. The appeal was published in many newspapers with humiliating comments and the Waldorf teachers were not allowed to publish their response (in violation of the Law on the Press).

Rights of the Child

On 1 June 1992 Armenia ratified the Convention on the Rights of the Child, and on 21 May 1996 a law on the Rights of the Child was adopted, providing, among other things, for free health services for children. However, in 1997 the Government decided that only children under 15 years of age were guaranteed free health services, particularly in hospitals. Moreover, many clinics had posters on the walls stating that only

children under seven years of age are entitled to free medical service.

In recent years, as a result of social and economic hardship, street children, child beggars and prostitutes have emerged.

One of the main problems concerning children was the sharp decrease in the educational level of the teenagers. According to the Defence Ministry, about 40 percent of conscripts in 2000 did not have secondary education. Thousands of pupils did not attend school on a regular basis, with many children under 16 being involved in the street trade but not enjoying normal workers' rights. According to the Ministry of Education, about 20 percent of the pupils of the secondary schools dropped out.

Due to low salaries (U.S.\$ 7-20 a month) and frequent backlogs in the payment, secondary school teachers frequently forced parents to pay for additional "private" classes or give bribes. As a result, the moral atmosphere suffered and the education system no longer enjoyed the necessary respect.

According to research carried out by the UNICEF's office in Armenia in schools and institutions specialized in the education of disabled children, orphanages and boarding schools,¹⁷ 75 percent of them did not have safe housing conditions, and 50 percent did not take sufficient measures to promote the general development of children and organize appropriate leisure time activities. Thirty-nine percent of the institutions lacked professional staff. Many children staying in orphanages had one or two parents whose social and living conditions were too desperate to care for a child.¹⁸

The State failed to provide the necessary funding for schools with special needs.

◆ The Government owed 2 million Dram (U.S.\$ 3,700) for food supplies to the special school in Nubarashen for children with behaviour problems and the staff of the school had not received their salaries for three months in 2000. The director of the school sought private funding for the school, at least to feed the children.

In addition, the Government had no programmes for the future integration into society of children who had been raised in special schools. In the situation of mass unemployment, the majority of the children, deprived of minimal living conditions, had to resort to any available means to support themselves.

In 2000, over 600 crimes committed by children or juveniles were registered, including thefts, homicides, illegal possession of weapons and the illegal use of narcotics. Most of the youths stemmed from socially vulnerable families usually with only one parent. Two-hundred-and-eight homeless children were also registered. To obtain statistics on juvenile vagrancy and begging and to forward the affected children to appropriate correctional or reformatory schools, the Juvenile Delinquency Department of the Ministry of Interior organized regular raids and often used force against children. The Ministry of Interior recorded 11 minor girl prostitutes, but the real number was estimated to be higher.

According to Article 207 of the Criminal Procedure Code, witnesses under 14, or in special cases under 16, must be investigated only in the presence of a trustee. Trustees can be parents or teachers. The psychologists from correctional facilities maintained that this provision of the article was often violated during 2000.

Physical abuse of children was commonplace, including cases of sexual abuse. However, these cases were kept secret and not discussed in public. Children were not aware about their rights and whom they could ask for help.

No State Committee on Children's Affairs had been established as of the end of 2000 to oversee the protection of the fundamental rights of the child. Sometimes the Commission on Human Rights of the Presidential Office refused to look into individual cases of the violations of the rights of the child. The UNICEF called on the Armenian Government to establish a Committee on Children's Rights, but there has been no response.

Endnotes

- ¹ Based on reports from the Civil Society Development Union in Armenia.
- ² Council of Europe Parliamentary Assembly (PACE) Opinion No.221 (2000).
- ³ For details of the law, see Freedom of Media: Law on the Broadcast Media.
- ⁴ *Yerevan Press Club Weekly Newsletter*, 8-12 January 2001.
- ⁵ *The annual report of the Yerevan Press Club Commission on protection of freedom of speech*.
- ⁶ Ibid.
- ⁷ See Peaceful Assembly.
- ⁸ *Haykakan Zhamanak*, 2 November 2000.
- ⁹ PACE Opinion No.221, par. 14, iii.
- ¹⁰ PACE Opinion No.221, par 13, iv-a.
- ¹¹ PACE, Doc 8756, Opinion of the Committee on Legal Affairs and Human Rights.
- ¹² PACE Opinion 221, Article 13 iv.
- ¹³ Snark news agency, 11 February 2001.
- ¹⁴ Based on the documentary "Religious Minorities in Armenia," prepared by the Civil Society Development Union and Versus Studio, 2000.
- ¹⁵ PACE Opinion 221 (2000), iv-d.
- ¹⁶ RFE/RL (Un)Civil Societies, Vol. 2, No. 4, 25 January 2001.
- ¹⁷ Twenty-five of 47 of such schools were surveyed.
- ¹⁸ UNDP, *Human Development National Report*, Armenia 2000.