

**Human Rights in Armenia**  
**a member state of the Eurasian Economic Union**  
**State of Play in 2015 and Perspectives**

By Willy Fautre

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## Acronyms

<b>Acronyms</b>	<b>Explanation</b>
AAC	Armenian Apostolic Church
ANC	Armenian National Congress
AMD	Armenian Dram (500 AMD = 1 EUR)
ARF	Armenian Revolutionary Federation
A.T.	Abbreviated name of a person wanting to remain anonymous
CC	Constitutional Court
CCD	Center of Collaboration for Democracy
CFDC	Collaboration for Democracy Centre
CoE	Council of Europe
CSO	Civil Society Organization
CPFE:	Committee to Protect Freedom of Expression
CRC	Committee on the Rights of the Child
DF	Detention Facilities
D.H.	Abbreviated name of a person wanting to remain anonymous
EU	European Union
HCA	Helsinki Citizens' Assembly
HRD	Human Rights Defender
HRO	Human Rights Organization
JW	Jehovah's Witnesses
KGB	Committee for State Security
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MoES	Ministry of Education and Science
MLSA	Ministry of Labor and Social Affairs
MOTA	Ministry of Territorial Administration
NGO	Non-governmental Organization
NSS	National Security Service
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentarian Assembly of the Council of Europe
PINK	Public Information and Need of Knowledge
R.A.	Republic of Armenia
RoA	Republic of Armenia
SEI	Special Education Institutions
SIS	Special Investigation Service
SR	Special Rapporteur
SRC	State Revenue Committee

STI	Sexually Transmitted Infection
UN	United Nations
UNFPA	United Nations Population Fund
UPR	Universal Periodic Review
US	United States
USD	United States Dollar
UPR	Universal Periodic Review
VAT	Value Added Tax
WRCA	Women Resource Centre Armenia
YSU	Yerevan State University

## Introduction

As a member of the United Nations (UN), the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE), Armenia is bound by international standards and human rights instruments promoted by these inter-state institutions.

Armenia has also been a member of two Russian-led regional institutions: the Commonwealth of Independent States (CIS) since December 1991 and the Collective Security Treaty Organization (CSTO), acting as counterpart to the NATO alliance, since 1992. A Russian military base is also present in the country. In February 2012, CSTO Secretary General, Nikolai Bordyuzha stated that the presidents of the CSTO participating states made an agreement to use their collective resources in case of a chaotic situation in one of their countries. In other words, Armenia as a CSTO participating state has accepted the possibility of external military intervention for solving internal issues on the sole decision of its president.

In the past 15 years, Armenia and the EU have been developing an increasingly close relationship going beyond co-operation including significant economic integration and deepening political cooperation: from the EU-Armenia Partnership and Cooperation Agreement (1999) to the inclusion in the European Neighbourhood Policy (2004) and the Eastern Partnership (2009). However, 2013 was marked with President Serzh Sargsyan's unilateral decision on Armenia's accession into the Custom's Union and refusal to sign the Association Agreement with the European Union.

This abrupt political U-turn, obviously imposed by Moscow, interrupted a number of legislative processes in the field of human rights and created uncertainty among civil society about the future of democratic processes. Indeed, the practice of restriction and intimidation of civil society in the member states of the Moscow-led Customs Union - Russia, Belarus and Kazakhstan - has become a state policy and Armenian human rights organisations fear their country will follow suit. Their most recent reports clearly indicate that their government is trying to adopt a similar position toward them. Laws on gender equality and LGBT rights have been thrown into the oubliettes; restrictions on access to foreign funding by Armenian NGOs under a law similar to the Russian one on 'foreign agents' have been envisaged by lawmakers; peaceful demonstrations have been violently dispersed by police; citizens in custody have been beaten...

Moreover, in January of this year, Armenia suddenly decided to join the Eurasian Economic Union led by Russia. This political decision has had an immediate negative impact on the human rights situation in the country. The 'Eurasian values,' as defined by Moscow, have quickly affected the work of the Armenian human rights activists. They have been suspected of being 'foreign agents' and have been slandered or even threatened. Defending LGBT rights has suddenly been perceived as a betrayal of 'Armenian values' and collaboration with Western powers to destroy the family, the cornerstone of the Armenian nation.

The hope of the Armenian human rights NGOs that the Association Agreement with the EU would develop mechanisms, levers and tools to curb corruption and oligarchic rule by strengthening democratic governance along with institutions for protecting human rights has now evaporated.

This report published by *Human Rights Without Frontiers Int'l* covers a dozen issues addressed in the most recent public reports or statements of a wide range of Armenian NGOs known for their expertise in various areas:

- *Collaboration for Democracy Center*
- *Committee to Protect Freedom of Expression*
- *Helsinki Citizens' Assembly-Vanadzor*
- *Helsinki Committee of Armenia*
- *Protection of Rights Without Border*
- *Public Information and Need of Knowledge (PINK)*
- *Society Without Violence*
- *The Centennial Without This Regime*
- *The Founding Parliament*
- *Women's Resource Center*
- *Women's Support Center*
- other Armenian human rights NGOs having made public statements at the OSCE/ODIHR Human Dimension Implementation Meeting in fall 2014 or having sent submissions to the UN Universal Periodic Review of Armenia which took place in January 2015
- as well as various religious groups and human rights activists.

They express deep concerns about the future of democracy, the rule of law and human rights in the country.

The purpose of this compilation published by *Human Rights Without Frontiers Int'l* is to encourage these organisations in their commitment to promote UN human rights standards.

*Human Rights Without Frontiers Int'l* is particularly grateful to Stepan Danyelan (Collaboration for Democracy Center), Avetik Ishkhanyan (Helsinki Committee of Armenia), Artur Sakunts (Helsinki Citizens' Assembly-Vanadzor), Zhanna Alexanyan (Journalists for Human Rights), Ara Ghazaryan ('Rule of Law' Human Rights NGO), Prof. Hovhannes Hovhannisyanyan (Protection of Rights Without Borders), Lara Aharonian (Women's Resources Center of Armenia), Armine Davtyan and others for providing the material used for this report.

# CHAPTER I: Right to a Fair Trial

In January 2015, when the UN Universal Periodic Review (UPR) examined Armenia's human rights record, the state of the country's judiciary was a leading concern. The United States representative said he was seriously concerned about systemic corruption and the absence of an independent judiciary. His position was supported by several other countries such as Canada, Costa Rica, Czech Republic, Lithuania and Namibia.

The main human rights NGOs in Armenia agree that a systemic problem in their country is the lack of separation between the legislative, executive and judicial powers. Consequently the judiciary is not independent, being a major obstacle to sustainable progress in the field of human rights.

## A. Viewpoint of the Ombudsman's Office and the Helsinki Committee of Armenia

Avetik Ishkhanyan, director of the Helsinki Committee of Armenia, believes that no progress can be noted in the judiciary and that selective justice persists in the period since the publication of the "Human Rights in Armenia/ 2013 Report"<sup>1</sup>, in which an article appeared that made reference to the Report of the Human Rights Ombudsman<sup>2</sup>:

"In 2013, the Human Rights Ombudsman published an Ad-hoc Report on the right to a fair trial. The Report describes the corruption mechanism, the methods through which pressure is brought to bear on judges, the double standards used by the Cassation Court and the Justice Council. It addresses other issues as well.

"In the section on 'corruption' the Report notes high levels of corruption in the judicial system, large amounts of money circulating and the ways in which it changes hands as well as the bribe amounts given to judges.

"According to the Report, the bribe amounts in the courts of first instance range from USD 500 to 10,000, in the Court of Appeals from USD 2000 to 15,000 and in the Court of Cassation from USD 10,000 to 50,000.

"In the section on 'pressure brought to bear on judges' the Report notes that an 'efficient' system has been put in place by the Court of Cassation so that it can pressure judges and force them to bend to its will. Under that system, individual Cassation Court judges have lower courts judges who are assigned to them and are under their control. Those lower court judges have to get approval from Cassation Court judges regarding court cases. Those judges who do not seek approval of the Cassation Court judges are regarded as the 'most disfavored' and 'unpredictable' and face pressure and a great risk of persecution.

"In the 'Double Standards in the judicial system' section the Report notes, alongside other problems, that a number of instances were registered when the disciplinary committee would

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<sup>1</sup> See <http://armhels.com/en/publications/ditord-n-1-68>

<sup>2</sup> The Ombudsman report is only available in Armenian on the website of the "Human Rights Defender of the Republic of Armenia", not in English: <http://www.ombuds.am/en>

not start a disciplinary investigation using as an excuse the fact that ‘the case is at the examination stage in a higher court.’ At the same time, also registered were instances when the disciplinary committee would start a disciplinary investigation, even though the case in question is at the examination stage in the Court of Appeals or under consideration by the same judge. Numerous examples were given to illustrate the point.

“In the ‘Double Standards in the Cassation Court’ section the Report notes that gross violations, double standards and arbitrariness in application of law are committed at the stage of making a decision whether to accept complaints for consideration. That, in its turn, is made possible owing to the violation of a clear legal requirement to provide justification for the decision to not accept the complaint.

“The description of the situation by the Human Rights Ombudsman’s Report is further supported by the *Judicial Reform Index for Armenia* Report published by the American Bar Association. According to the Report, as of 2012, only in case of 4 out of 30 factors concerning reforms in Armenia the dynamic was assessed as positive.

“In 2012, two factor correlations (removal and discipline of judges) registered a decline to negative. The tendency is also negative. The Report highlights the idea that the discipline process is often applied unfairly in order to influence judicial act making or retaliate against judges for their judicial acts.

“The factors of judicial decisions and improper influence on judicial acts still receive negative correlations. Improper influence on judicial decisions is a persistent problem. Judges’ decisions are affected both by external influence and pressure from within the judiciary.

“From 1998, judicial reforms have been carried out in Armenia from time to time. The latest reform package in this field has to be implemented in the period 2012-2016. In particular, there are plans to adopt a new Criminal Code and Criminal Procedure Code. However, the crux of the matter is that the Armenian authorities are not ready to foster the independence of the judicial system through legislation. The judicial and legal system is a main instrument to retain power but without its independence human rights violations will always have a systemic nature.”

## **B. Viewpoint of Protection of Rights Without Borders NGO**

In autumn 2014, the president of *Protection of Rights Without Borders NGO*, Haykuhi Harutyunyan, participated in the OSCE/ODIHR Human Dimension Implementation Meeting (HDIM) in Warsaw. He issued a statement at the HDIM on “The situation of the rule of law and independence of the judiciary in Armenia” in which he denounced the lack of independence of the judiciary in the following terms:

“It is recognized by international organizations that the essence of rule of law relies on judiciary<sup>3</sup> and efficient justice system is a cornerstone to ensure the application of the rule of

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<sup>3</sup> CM(2008)170, 21 November 2008, Council of Europe, par. 39, available at <https://wcd.coe.int/ViewDoc.jsp?id=1374477&Site=CM>

law principles<sup>4</sup>. The Rule of law is a main guarantee for effective protection of human rights and for sustainable economic progress and development.

“The states aiming to uphold the rule of law principles should guarantee the application of five main qualities for judiciary and effective justice system: independence, integrity, accountability, transparency, and efficiency<sup>5</sup>. For this, the system of court performance evaluation and justice assessment was developed in different European countries with the understanding that the quality of justice does not rely only on individual judge and his decision.

“In 2013 the case law of the European Court of human rights was summarized<sup>6</sup>, determining the elements of rule of law within the judiciary.

“Several practical criteria were imposed to be followed by the national courts to uphold the application of rule of law principles and to protect individuals from arbitrary power.

“Despite the mentioned requirements, the application of rule of law principles and especially the independency of judiciary in the Republic of Armenia still remains a major issue and there are serious concerns in relation to the independence of the judiciary in all levels: 1) Formation of judiciary; 2) Access to the courts; 3) Decision making processes; 4) Execution of court decisions; and legislative obstacles which are posing bans to guarantee the independency of judiciary and to eliminate arbitrariness. Moreover, the public trust in courts is very low<sup>7</sup> and 67% of Armenian population feels that judiciary is corrupted/extremely corrupted<sup>8</sup>. The existing mistrust is connected with the limited transparency and shortcomings of courts’ performance.

“As a result, the court decisions mainly have political nature rather than being the grounds of justice.

“This list of problems can be complimented and the troubles of judiciary and rule of law principles in the country can be pointed out. But we do not intend merely to state the problems, rather, we are strongly committed to struggle for the independency of judiciary and for the development of the rule of law tradition in the country. To this end we would like to call all interested parties to act adequately, especially:

To put continues efforts assisting the State to establish the tradition of rule of law in the Country based on the case law of the European Court of Human Rights.

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<sup>4</sup> The World Justice project, *The rule of Index*, World Justice Forum, (2008)

<sup>5</sup> Herbert A. Igbunugo, *The Rule of Law, Judicial Corruption, and the Need for Drastic Judicial Reform in Sub-Saharan Africa’s Nation*, American Bar Association, International Law News, Vol. 42 No. 3, available at [http://www.americanbar.org/publications/international\\_law\\_news/2013/summer/the\\_rule\\_of\\_law\\_judicial\\_corruption\\_need\\_for\\_drastic\\_judicial\\_reform\\_sub\\_saharan\\_africas\\_nation.html](http://www.americanbar.org/publications/international_law_news/2013/summer/the_rule_of_law_judicial_corruption_need_for_drastic_judicial_reform_sub_saharan_africas_nation.html)

<sup>6</sup> “The Concept of the Rule of Law and the European Court of Human Rights” Geranne Lautenbach, 2013 Print ISBN-13:9780199671199

*Public Perception Political, Social, and Economic Issues in the South Caucasus Countries*, Caucasus Research Resource Center, Yerevan, 2012, [http://crrc.am/store/di11/CRRC\\_CB\\_2011\\_Eng\\_19.09.2012.pdf](http://crrc.am/store/di11/CRRC_CB_2011_Eng_19.09.2012.pdf)

<sup>7</sup> *Public Perception Political, Social, and Economic Issues in the South Caucasus Countries*, Caucasus Research Resource Center, Yerevan, 2012, [http://crrc.am/store/di11/CRRC\\_CB\\_2011\\_Eng\\_19.09.2012.pdf](http://crrc.am/store/di11/CRRC_CB_2011_Eng_19.09.2012.pdf)

<sup>8</sup> Transparency International, *Global Corruption Barometer Armenia-2013*, available at <http://www.transparency.org/gcb2013/country/?country=armenia>

- To support the development of independency of judiciary through the adjustment of the court performance monitoring and evaluation practice in the five main areas.
- To respond properly to the problems of the rule of law and independency of judiciary raised by the local civil society organizations.
- To encourage local civil society organizations to build partnership and ownership for development of the independency of judiciary and the rule of law principles.”

### **C. Opinion of the Venice Commission**

At its 99<sup>th</sup> Plenary Session (13-14 June 2014), the Venice Commission issued an Opinion about the Draft Law on introducing amendments and addenda to the Judicial Code of Armenia<sup>9</sup>. It pointed out a number of shortcomings of the judicial system regularly raised by civil society organizations and the lack of a strategy for making improvements to the proposed legislation. Among other points:

“34. The Venice Commission draws, however, attention to the fact that the Draft Law grants totally free discretionary power to the President of Armenia for appointment or rejection of the person (judge) elected by the Council of Justice. The President is not obliged to give reasons for his decision; the only consequence of rejection of the proposal of the Council of Justice is restarting the election process.

“35. The Venice Commission recognised that ‘discretionary power is necessary to perform a range of governmental tasks in modern, complex societies.’ However, ‘such power should not be exercised in a way that is arbitrary. Such exercise of power permits substantively unfair, unreasonable, irrational or oppressive decisions which are inconsistent with the notion of rule of law.’ Discretionary power granted to the President of Armenia can lead to conflict between the President and the Council of Justice, what may not only cause difficulties in proper administration of courts but it can harm citizens' trust in the independence of the Judiciary. Rethinking of the power of the President (obligation to motivate rejection, limitation of his/her right to reject the elected person on certain reasons, e.g. irregularities in election process or election of more than one candidate and obligation of the President to appoint one of them) may reduce either the undesirable opportunities mentioned above or the danger of politicization of the election/appointment process.”

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<sup>9</sup> See [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)021-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)021-e)

## **ANNEX: The right to a fair trial<sup>10</sup>**

### **A letter of complaint submitted to Prosecutor General on case of false witnesses**

Helsinki Citizens Assembly [HCA] Vanadzor, 30<sup>th</sup> January 2015

On August 2, 2014, Pnjik Teroyan, resident of Vanadzor, applied to the HCA Vanadzor to protect her rights. According to P. Teroyan, back on April 4, 2012, she had reported a crime to the RA Police. The Vanadzor city Taron Investigation Division of the RA Police Lori Marz (region) Investigation Department initiated a criminal case based on the report. P. Teroyan claimed that the investigator had committed numerous violations during the investigative actions; particularly, by involving police officers as witnesses in such actions.

As already mentioned, a crime report on the violations above was submitted to the RA Special Investigation Service (SIS), demanding to take the necessary measures to reveal the crime in question and hold liable the persons responsible for it.

On September 20, 2014, the Organization received the decree of the RA SIS on declining to initiate a criminal case.

Thereafter, on September 27, 2014, the HCA Vanadzor filed a letter of complaint to the RA Prosecutor General to annul the decree of the RA SIS and initiate criminal proceedings.

On October 23, 2014, the RA Prosecutor General responded that the Organization's complaint was upheld, a criminal case was initiated and submitted for reinvestigation. Nevertheless, the complaint upheld by the Prosecutor General failed to form the basis for revealing the crime.

On December 26, 2014, A. Minasyan, RA SIS special investigator for high-profile cases, issued a decree not to instigate criminal prosecution and discontinue the criminal proceedings.

The HCA Vanadzor received the above decree on January 16, 2015, and on the same day Pnjik Teroyan started a hunger strike in front of the RA General Prosecutor's Office demanding to conduct a proper investigation.

On January 22, 2015, the HCA Vanadzor filed another complaint to the RA Prosecutor General demanding to annul the decree of the RA Special Investigation Service not to instigate criminal prosecution and discontinue the criminal proceedings, and to forward the case for reinvestigation.

### **The witnesses of a soldier's death case detained for 10 days and subjected to violence**

Helsinki Citizens Assembly Vanadzor, 14<sup>th</sup> January 2015

On November 24, 2014, the RA Criminal Court of Appeal, presided by judge A. Petrosyan, proceeded the hearing on the complaint by Arthur Sakunts representing Meruzhan Kaleyán. Note that the RA Criminal Court of Appeal examines the legality of the judicial act by the First Instance Court of Syunik Marz (Region), RA dated September 22, 2014.

Armen Bozoyan, a witness of the criminal case regarding conscript Hayk Kaleyán's death at military unit in NGK, stated that he and three witnesses were kept in the military police for

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<sup>10</sup> Source : Helsinki Citizens' Assembly Vanadzor Office (<http://www.hcav.am>)

more than 10 days and were beaten, subjected to violence and forced to testify according to the investigator's dictation.

Based on aforementioned, Hayk Kaleyán's successor's representative Arthur Sakunts initiated a crime based criminal case which was dropped later. It needs to be mentioned, that the appealing side learnt about the decision of dismissing the criminal case investigation only due to the request to receive information, and it never had the opportunity to examine the materials regarding the dismissal decision. This decision has been appealed according to procedures: first following the authoritative and then court norms, however the complaints were rejected and decision remained the same.

Sakunts referred to RA Court of Criminal Appeal with an appeal requesting to overturn the judicial act of the inferior First Instance Court of RA Syunik region and send it back to the inferior court for a new examination.

The plaintiff presented to RA Court of Criminal Appeal statements about the improper treatment towards witnesses, locking them, as well as insufficient justification of the judicial act. On November 24, 2014 RA Military Prosecution Office prosecutor A. Harutyunyan and RA MD first garrison investigative department investigator N. Avetisyan did not attend the court hearing. The court announced that A. Harutyunyan was properly informed about the place and time of the court hearing and the court did not have any information regarding the notification of investigator N. Avetisyan. During the court hearing M. Kaleyán's representative Arthur Sakunts motioned for receiving preliminary investigation materials of the case as those were not presented after preliminary investigation the pre-examination and he left the fact of the absence of the prosecutor and the investigator to judge's consideration.

On December 25, 2014, the RA Criminal Court of Appeal, presided by judge A. Petrosyan, proceeded the new hearing on the complaint by Artur Sakunts representing Meruzhan Kaleyán. Avetisyan, investigator at the First Garrison Investigation Department, RA Ministry of Defense, responsible for the proceedings, again failed to attend the hearing of December 25, 2014.

The Court again adjourned the examination of the complaint.

## CHAPTER II: Freedom of Assembly

On 14<sup>th</sup> April 2011, the Parliament of Armenia adopted the Law on Freedom of Assembly. Although it has widely been considered to be in line with international standards, its implementation by law enforcement forces remains far from satisfactory.

It is still common at peaceful assemblies that there is violence against demonstrators and journalists, unlawful apprehension by police and subsequent administrative charges and proceedings against demonstrators. In 2013, the restrictions imposed on the right to freedom of assembly peaked on 2<sup>nd</sup> December during the visit of Russian President Vladimir Putin. On that day, 110 demonstrators, including journalists and minors, were unlawfully and violently apprehended and sent to eight police stations throughout Yerevan. In 2014 and 2015, two civic organizations, the “Founding Parliament” and “The Centennial without This Regime” have also been heavily targeted by the police. On 22<sup>nd</sup> June 2015, an assembly-march against the rise of the electricity price in Yerevan was violently repressed by the police.

Several civil society organizations continued to complain about restrictions to freedom of assembly as can be seen hereafter.

### A. Helsinki Citizens’ Assembly-Vanadzor and Freedom of Assembly

At Armenia’s Universal Periodic Review last January<sup>11</sup>, the Helsinki Citizens’ Assembly-Vanadzor and the Norwegian Helsinki Committee submitted a report which assessed the implementation of Armenia’s commitments in regard to human rights and fundamental freedoms<sup>12</sup>. The section on freedom of assembly addresses the issue as follows:

“The attacks and intimidation against defenders and activists were accompanied with violation of the right to freedom of assembly. Defenders and activists were coercively apprehended and taken to police stations from the assembly venues without any legal grounds. There were numerous administrative cases filed against them. In a number of cases of reporting about physical violence by police against activists, the police filed a case against the activists themselves, accusing them of false statement, disobedience to a representative of authorities, or violence against a representative of authorities.<sup>13</sup>”

“The violations of the freedom of assembly were manifested both by forcing people to take part in some assemblies and by preventing them from participating in other assemblies. The prohibition or coercion of participation depended on whether the event was organized by pro-government or anti-government actors.

“During the reporting period there have been cases of oligarchs using bribed supporters to counter genuine actions of protest. Most vivid examples of these were counteractions against activists protesting against the distortion and transformation of the historical building of the

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<sup>11</sup> In the Compilation of UN Information about Armenia, par. 56 said: “The Special Rapporteur on the situation of human rights defenders called upon the Government to ensure that the right to hold peaceful, open and public demonstrations was freely available to all individuals without undue restrictions.”

<sup>12</sup> See the full report at [http://www.upr-info.org/sites/default/files/document/armenia/session\\_21\\_-\\_january\\_2015/js6\\_upr21\\_arm\\_e\\_main.pdf](http://www.upr-info.org/sites/default/files/document/armenia/session_21_-_january_2015/js6_upr21_arm_e_main.pdf)

<sup>13</sup> Charges filed against Argishti Kiviryan, retrieved on April 19, 2014  
<http://www.investigatory.am/en/news/item/431>

Closed Market in Yerevan into a supermarket (which belongs to businessman Samvel Aleksanyan, Member of Parliament from the ruling Republican Party) as well as a number of environmental actions against open mining and construction of new hydropower stations on scarce rivers.

“The official information provided by the Yerevan Municipality shows that the right to freedom of assembly was severely restricted before the adoption of the new Law on Freedom of Assembly in April 9, 2011. The authorities consistently prohibited assemblies in Freedom Square, following the fatal crackdown on peaceful protesters in March 2008. The first formal permission to hold an assembly in Freedom square was granted to the Armenian National Congress on April 28, 2011.

“In 2012, 10 % of notifications about assemblies were returned to the organizers without consideration on justification of violation of the formal requirements of the new law. The number of notifications about assemblies and the number of assemblies rapidly increased in 2013. It should be noted that although there were only 20 cases of restrictions officially placed on a public assembly, the police often arbitrarily imposed undue restrictions on rallies in an attempt to disperse them without grounds. Most commonly, actions of protest held in 2013 were accompanied by police violence against protesters and reporters. In several cases they were apprehended, arrested or intimidated by the police. In most of those cases, administrative or criminal charges were brought against protesters. Activists often noted that the police had disguised instigators among the protesters, who initiated a fight or an argument with the police or other protesters creating grounds for the police to disperse the rally or unlawfully arrest the participants.

“Despite the reform programs carried out by the police, including assurances about ongoing training of police officers assisted by the OSCE on police behaviour during peaceful assemblies, the actual violations of the right to freedom of assembly testify about the formal character of those reforms. During the assemblies and rallies, the police consistently referred to the protection of rights and freedoms of other hypothetical citizens at the expense of restricting the route and duration of peaceful rallies. The unwillingness of the police to ensure the right to freedom of assembly is also manifested in the fact that the police categorically refuse to allow for any minimum set-up for long-term demonstrations such as tents. The practice was criticized by the RA Ombudsperson, who argued that setting-up at least one tent was a legitimate demand by the protesters; however it did not lead to changing the police behaviour<sup>14</sup>.”

## **B. Helsinki Committee of Armenia and freedom of peaceful assembly**

The Helsinki Committee of Armenia closely monitors the violations of freedom of assembly. Its coverage of the latest repression operation in June 2015 in Yerevan, its 2014 report and its recent victory at the European Court provide irrefutable evidence that the authorities seriously violate the right of their citizens to protest and demonstrate peacefully.

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<sup>14</sup> Decision of the Ombudsperson on finding a violation in police actions and holding the perpetrator liable (available in Armenian), retrieved on April 19, 2014, [http://www.ombuds.am/this\\_time/view/article/230](http://www.ombuds.am/this_time/view/article/230)

### *The violent repression of the 22<sup>nd</sup> June 2015 assembly-march against electricity price rise<sup>15</sup>*

On 22<sup>nd</sup> June 2015, at 19:00, in Freedom Square, Yerevan, an assembly started against the electricity price rise. At the beginning of the assembly the organizers announced several times that the assembly was exceptionally peaceful and presented legal justifications for conducting the peaceful assembly. The participants of the assembly marched from Freedom Square to Tumanyan Street, then to Mashtots Avenue and passing the French Square they marched to Baghramyan Avenue.

4000-5000 people participated in the march. About 200 policemen blocked the protesters' path on Baghramyan Avenue. A police representative announced several times with a loudspeaker that the assembly was illegal. However, it should be stated that the sound of the loudspeaker was not loud and audible for everyone. The protesters announced that they would not retreat and would win. The police officers had breastplates, helmets and shields. There were water cannons and barbed wires behind policemen on Baghramyan Avenue. Encountering the police barricade, the participants of the march sat down on the ground in the middle of the Avenue.

The participants of the assembly had musical instruments with them – drums, zurna. They were singing patriotic songs and dancing national dances. They were waving flags of Armenia and the European Union, holding posters with different slogans. At about 22:00 the policemen announced that the RA President proposed a delegation of 4-5 people to go for negotiations, but the protesters rejected the proposal. The assembly was held under peaceful assemblies, sometimes even the policemen and the protesters made jokes, the latter even treated the policemen with water and sweets. At 23:00 the participants of the assembly stopped the music and the loud noise. At 24:00 masked policemen in black arrived at Baghramyan Avenue. There was a corridor between the participants of the assembly and the policemen, “Angels”

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<sup>15</sup> On 25<sup>th</sup> June 2015, the OSCE issued a press release saying:

Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), called on the Armenian authorities to respect the right to freedom of peaceful assembly of those taking part in a peaceful protest in central Yerevan.

"Armenia, like all OSCE participating States, has committed itself to protect and promote the fundamental freedom of peaceful assembly, and must fully respect the rights of the protesters in Yerevan to exercise this freedom," the ODIHR Director said. "The reports of the actions of law enforcement agencies yesterday morning, including the use of water cannons against and the arrest of hundreds of peaceful protesters, raise serious concerns."

OSCE commitments on freedom of assembly not only guarantee the right to peaceful assembly and demonstration, but state that any restrictions on this right have to be prescribed by law and consistent with international standards.

"The law-enforcement authorities have the duty to facilitate peaceful assemblies, and any police measure has to be legitimate, necessary and proportionate," Director Link said. "All allegations of the excessive use of force or unjustified or indiscriminate arrests should be impartially, thoroughly and promptly investigated to hold those responsible accountable."

The protests against a looming 17 per cent rise in electricity prices began last Friday, and thousands took to the streets in Yerevan on Tuesday morning. The demonstrators were charged by police and fired upon with water cannon after they blocked a main street in the capital. More than 200 protesters were reportedly arrested, while 14 demonstrators and 11 police were injured. Those detained on Tuesday have since been released. Hundreds of demonstrators returned today to continue the protest.

regiment was standing in front of the corridor, and representatives of mass media were between them and the participants of the assembly.

At night on 23 June, at 01:00, the lights on Baghramyan Avenue were turned off. The number of protesters up to 05:00 in the morning was 500-800 people. At about 05:00 the police announced with loudspeakers that the assembly was banned and the protesters should leave the Avenue. At that moment the majority of protesters were sitting at a distance of about 10 meters from the police line. After the request, the policemen stood in a special arrangement (“Angels” regiment behind patrols, internal troops round the water cannons in the middle, the Special Purpose Division /DON/ behind the cannon and 40-50 policemen in civilian clothes – some with distinctive features) and surrounded the protesters from the two sides.

The water cannon directed the water flows in the direction of protesters sitting in the middle and together with the troops started to move forward. When the distance between the policemen and participants was about 5 meters, all police units headed by internal troops attacked the protesters and tried to detain them, although the latter tried to stay in their places. The detention was often accompanied with the blows of shields and truncheons, throwing the people on the ground violently, choking them off with arms, these was mainly done in groups of 4-5 persons. There were cases when the protesters were hit with truncheons and pushed toward various solid objects (fences, columns, walls). When the police officers reached Mashtots-Saryan crossroads, started chasing the running protesters in all directions, including Moskovyan Street and North Avenue. In Freedom Square, from the stage in front of the Opera House, the policemen dragging dozens of protesters brutally threw them down the stairs.

Besides participants of the assembly, journalists were also detained, cameras and other equipment were broken. The observer of Helsinki Committee of Armenia was also detained, but was released some time later. Numerous participants were injured. Overall, 600-700 police officers participated in the operations.

As a result of observations, the following conclusions were drawn:

- The assembly was peaceful and the police used excessive force to disperse the assembly.
- Police used unjustified violence against the participants of peaceful assembly.
- The persecutions and detentions did not a pursue legitimate purpose.
- The work of journalists and observers was hindered.
- The number of police units was excessive from the point of view of security concerns.

### ***State of freedom of assembly in 2014***

In its 2014 Report on Human Rights in Armenia, the Helsinki Committee of Armenia writes:

“In 2014, there was progress in securing the right to freedom of assembly in contrast to earlier situations, when the right to hold a peaceful rally had been often restricted disproportionately and on a mass scale. There were basically no fewer rallies held that year than in 2013. Again were registered instances when the police dispersed or obstructed peaceful rallies or used violence against rally participants, the only difference being the smaller number of cases when rally participants were forcibly taken to police departments. A number of civic initiatives that had emerged in 2013 (such as the civic initiative 'We are against the Customs

Union<sup>16</sup> with Russia' that emerged after on 3 September 2013 RoA President Serzh Sargsyan announced the Armenia's decision to join the Customs Union or the initiative "Against illegal construction") continued to stage their protest actions also in 2014. At the same time new protest civic initiatives emerged (such as "I am against" initiative against the system of mandatory funded pensions or "No to Plunder" civic initiative against a 10% raise in electricity unit rate that was to be applied from August 1). In February 2014, four political parties that did not ally with the ruling party and constituted minority in the Parliament (*Prosperous Armenia*, *Armenian National Congress (ANC)*, *Armenian Revolutionary Federation (ARF-Dashnaktsutjun)* and *Heritage*) banded together and came up with joint initiatives. However, because of a disagreement over the Constitution amendments necessity issue the ARF-Dashnaktsutjun withdrew from the 'quartet,' while the three remaining political forces later on announced that they would initiate a series of rallies.

“From June to December 2014, Helsinki Committee of Armenia observed more than 40 peaceful rallies. 20 of those were held without giving prior notification to the City Hall, while 10 were held with prior notification and were acknowledged by the City Hall (one rally was urgent and 9 were spontaneous). Over the period of observations the total of 33 instances of individuals forcibly taken to police departments were registered.

“In 2014, instances of violence against the participants of peaceful rallies were registered. For example, during the May 13 protest against renaming the so-called 'Mashtots' small public garden the police used violence to take several activists to the police department. Based on the mass media coverage of the incident the RoA Special Investigations Service launched a criminal case. Another instance of violence was registered on June 23 during a protest action staged against the raise in electricity unit rate, when police used violence against the protest action participants to disperse the rally.”<sup>17</sup>

### **C. The Founding Parliament: A Case Study**

Since their first “AutoMarch” on 19<sup>th</sup> October last year, created on the model of the AutoMaidan in Kyiv, opponents to the current Armenian regime have been routinely stopped, beaten and arrested by the police during their peaceful demonstrations. Their cars have been heavily damaged by law enforcement forces as several videos have clearly shown on YouTube<sup>18</sup>. As in Kyiv during the EuroMaidan, the members of the Armenian movement demonstrate in cars to call for regime change.

The "Centennial without this Regime" movement and the “Founding Parliament”, a civil initiative, are the driving forces behind the demonstrations in favor of the socio-political opposition to the President of Armenia.

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<sup>16</sup> HRWF Footnote: The Eurasian Customs Union is a customs union initiated by Moscow. It came into existence on 1<sup>st</sup> January 2010 as the *Customs Union of Belarus, Kazakhstan, and Russia* and was launched as a first step towards forming a broader EU-type economic alliance of former Soviet states. It was afterwards enlarged to include Armenia and Kyrgyzstan. In the case of Ukraine, President Vladimir Putin declared that signing an Association Agreement with the EU was incompatible with the Eurasian Customs Union membership. The political project of Moscow behind the Eurasian Customs Union and the Eurasian Economic Union is to detach former Soviet countries from the influence of the EU and to reconquer its hegemony over the ‘historical’ lands of the former Russian Empire and the USSR by creating an economic and political bloc of nations which would challenge the universal values defended by the EU: democracy, rule of law and human rights.

<sup>17</sup> See the full report at <http://armhels.com/wp-content/uploads/2015/02/Ditord-69-Eng.pdf>

<sup>18</sup> See <http://www.preparliament.com/en/> (accessed on 19<sup>th</sup> May 2015)

Actions undertaken by the movement have always been peaceful and have remained within the limits of the law, leaders insist. Yerevan municipality recently authorised a series of rallies that were set to begin on 24<sup>th</sup> April; however, the regime decided to crack down on the two movements, citing *suspicious of wrongdoings*.

On 7<sup>th</sup> April, ten apartments belonging to members of the movement and five offices were searched by the National Security Service and police Special Investigative Division. These searches were conducted on the sole grounds of a “suspicion of preparation for mass disturbances.”

On 9<sup>th</sup> and 10<sup>th</sup> April 2015, the court of the administrative districts Kentron and Nork-Marash in Yerevan sentenced several leaders of the movement to two months’ pre-trial detention for allegedly attempting to “organise mass disturbances” at a rally: Jirayr Sefilyan, Garegin Chugaszyan, Varuzhan Avetisyan, Pavel Manukyan and Gevorg Safaryan. Hakobyan was accused of the illegal possession of arms and was released on bail (€1,000); however, the criminal prosecution against him continues.

The lawyers representing Jirair Sefilian and other prominent members of the group have signaled their intention to appeal the court decisions regarding the custody of their clients at the European Court of Human Rights (ECHR) in Strasbourg.

In a press conference on 15<sup>th</sup> April, lawyer Lusine Hakobyan recalled that Sefilyan had been a regular target of the authorities over the past ten years. In 2006, he was accused of calling for a violent overthrow of the constitutional order and for illegally keeping his weapon after being demobilised in 1998. He was sentenced the following year to 18 months’ imprisonment. On 2<sup>nd</sup> January 2013 the European Court of Human Rights recognised the unlawful nature of Sefilyan’s sentence and condemned the Armenian state to pay €6,000 euros to Sefilyan as financial compensation.

### **Repression: Timeline**

Since October 2014, the Founding Parliament and The Centennial Without This Regime have organized demonstrations in protest against the regime and a number of its policies. These had led to acts of violence and administrative arrests by the police. A comprehensive list of incidents is available on the website of the Founding Parliament<sup>19</sup>. See a selection of such cases hereafter.

#### **26<sup>th</sup> – 27<sup>th</sup> November 2014: Arson attacks on vehicles of motorcade participants**

On 26<sup>th</sup>- 27<sup>th</sup> November the cars of Founding Parliament candidates Shahen Poghosyan, Vardan Hakobyan, Varuzhan Avetisyan and Susana Melkonyan were burnt as well as the car of Centennial Without This Regime participant Samvel Sargsyan. There was also an attempt to set fire to the car of the Founding Parliament candidate Karo Yeghnukyan.

Each of these vehicles had participated in The Centennial Without This Regime information motorcade. Initially the authorities tried to ignore the connection between the cases, but under

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<sup>19</sup> See : <http://www.preparliament.com/en/2015/04/12/violence-against-deputies-of-the-founding-parliament-and-participants-of-the-centennial-without-this-regime-moveme/>, accessed on 19<sup>th</sup> May 2015.

public pressure they were united in a single criminal case. Astonishingly, no suspect has been brought to trial and all the perpetrators remain at large despite the fact that Shahen Poghosyan's car was burned in front of the National Security Service of Armenia (within the sight of many video cameras) and that Samvel Sargsyan's vehicle was burnt in the area adjacent to the Central Department of the Police which most likely also has video cameras.

### ***15<sup>th</sup> January 2015: Demonstrations after a mass murder by a Russian soldier***

After the murder of Avetisyan's seven-member family<sup>20</sup> on 12<sup>th</sup> January by Russian Valery Permyakov, there were mass protests in both Gyumri and Yerevan due to the fact that the Russian border guards who had arrested him refused to hand him over to the Armenian authorities.

On the morning of 15<sup>th</sup> January, the prosecutor general announced that the trial would take place in Armenia but without making clear whether the case would be taken up by an Armenian court or by the Russian military court attached to the military base. That afternoon, after the funeral service of the Avetisyan in Gyumri, a mass demonstration gathered in front of the regional public prosecutor's office. The protesters demanded a guarantee that the trial and imprisonment, if stipulated by the court, would be carried out according to Armenian law. The prosecutor general came out and addressed the demonstrators, although he avoided mentioning the jurisdiction issue. At that point, some of the demonstrators marched toward the Russian consulate where they were met by a police road block. Following a standoff lasting several hours, the two sides started to clash: some of the demonstrators threw stones, while the police used stun grenades. By 9 p.m. there was information about 12 people wounded, three of them policemen. Subsequently, the prosecutor general promised to send an inquiry to his Russian counterpart proposing an investigation and trial under Armenian jurisdiction.

Among the people who were arrested, there were Founding Parliament members who had not been involved in the clash. All were released after being kept in custody for about five hours. At the same time the Founding Parliament called for a demonstration in Yerevan in support of the demonstrators in Gyumri. Police officers in uniforms and in civilian clothes prevented the gathering from taking place and took the majority of its participants to the police station.

### ***31<sup>st</sup> January 2015: The Berdzor incidents***

On 31<sup>st</sup> January 2015, in Berdzor municipality of Artsakh in the vicinity of the village of Aghavno, local police forces and others attacked the peaceful motorcade organized by the Founding Parliament. They severely beat the participants, assaulting women and children. The assailants also damaged 20 of their cars and seized several video cameras and personal belongings. The overall estimated damage was around US \$40,000.

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<sup>20</sup> The 2015 Gyumri massacre was a mass murder of seven members of the Armenian Avetisyan family in Gyumri, on January 12, 2015. The suspect, Valery Permyakov, a Russian serviceman from the Russian 102<sup>nd</sup> Military Base, was apprehended by the Armenia-based Russian Border Guards near the border with Turkey and brought into custody at the Gyumri base for further investigation under the Russian jurisdiction. The preliminary investigation showed that most of the victims died from gunshot wounds, and an AK-74 machine gun, munitions, as well as 21 used cartridges were discovered at the scene ([Azatutyun.am](http://Azatutyun.am), January 12, 2015). Spontaneous demonstrations in Gyumri and Yerevan ensued, demanding that Permyakov be tried and serve his sentence in Armenia. Perceived inadequate government response further triggered public outrage in Armenia.

Among those seriously injured were the leader of the Centennial Without This Regime, the commander of Shushi special battalion Jirayr Sefilyan, the journalist from Anushavan Shahnazaryan ‘Noyan Tapan’, Artsakhwar veteran Pavlik Manukyan and the vice-chairman of the Founding Parliament, Varuzhan Avetisyan

Earlier that day Kerob Kazaryan and Mkhitar Avetisyan were attacked and severely beaten by unidentified individuals while they were heading to the motorcade. Substantial damage to their vehicles was sustained during the attack.

No criminal case has been initiated.

### ***5th February 2015: Disruption of a demonstration in Yerevan***

On 5<sup>th</sup> February 2015, the Founding Parliament decided to give a press conference at Yerevan’s Republic Square, showing the cars that had been damaged during the Berdzor clashes. However, the police intervened and removed the damaged cars. Hayk Grigoryan, vice-president of the Founding Parliament, and Gevorg Safaryan of the Founding Parliament were apprehended and taken to the police station.

Moreover, the police initiated an investigation against Hayk Grigoryan for allegedly carrying a weapon in order to bring a criminal case against him. The case was later dismissed.

### ***7<sup>th</sup> March 2015: Acts of provocation in Gyumri***

On 7<sup>th</sup> March 2015, the Founding Parliament planned to hold a motorcade to Theatre Square in Gyumri, but the municipality obstructed the event. City authorities refused to give proper notification of the event on non-credible grounds.

Moreover, several dozens of young people gathered at the entrance of Gyumri with the goal of impeding the entry of the motorcade participants. The members of the Founding Parliament sought assurance from the police that there would be no provocation or attacks during the motorcade; however, in the absence of such guarantee, they decided not to take any risk and did not enter Gyumri.

### ***28th March 2015: Stabbing of the deputy of the Founding Parliament in Gyumri***

A rally in Gyumri on 28<sup>th</sup> March 2015 did not pass without incident. A group of young people tried to disrupt the meeting and to dispute with the participants. The police remained passive and only intervened when the youths began to throw eggs at the demonstrators.

Some protesters pursued the youth and it was at this time that the deputy of the Founding Parliament, Hrachik Mirzoyan, was stabbed. He was taken to the Medical Center of Gyumri where the surgeons had to remove his spleen which was damaged in the attack. The youth who tried to disrupt the rally were those who prevented the Founding Parliament motorcade from entering Gyumri three weeks previously.

The assailant who stabbed Hrachik Mirzoyan was quickly identified by photo evidence; however, the police failed to arrest him for several days. The suspect surrendered to police only after considerable pressure from the press and public

## CHAPTER III: Political Persecutions

In 2014, a number of political activists were sentenced to heavy sentences and others were persecuted in various ways. The Helsinki Committee of Armenia devoted a whole section of its annual report 2014 to this issue.

### A. Political Prisoners

On 17<sup>th</sup> October 2014, after about a 5-month trial the general jurisdiction court of Kentron and Nork-Marash administrative districts of the city of Yerevan handed down judgments to Shant Harutiunian<sup>21</sup> and his adherents ranging from fines to seven years in prison. Shant Harutiunian and Albert Margarian were sentenced each to six years in prison, Vaheh Mkrtchian to seven years, while Avetis Avetissian, Liparit Petrossian and Vardan Vardanian are to serve five years. Hayk Harutyunian was sentenced to four years and six months in prison, Alek Poghossian and Mkrtich Hovhannissian to four years, Armen Hovhannissian to two years, Tigran Petrossian to one year and Sevak Mnatsakanian to a one year and 6 month prison term.

Misak Arakelian was sentenced to a 50,000 AMD fine while underage Shahan Harutiunian was given a conditional four-year prison sentence.

During his speech at Columbia University on 24 September 2014, Armenian President Serzh Sargsyan declared<sup>22</sup> that Shant Harutiunian had committed a crime of hooliganism. At the time of this statement the court had not yet handed down its judgment, raising the question of whether the President violated the presumption of innocence or whether by making the statement he had already determined the outcome of the trial.

On 5 November 2013, Shahan Harutiunian took part in the march organized by his father with a group of sympathizers. The demonstrators clashed with police, and he tried to protect his father, as evidenced by published video materials. On 2 April 2014, Shahan Harutiunian was charged under Article 258 part 4 of the RoA Criminal Code (Hooliganism committed with an object used as a weapon and offering resistance to a representative of authorities).

On 17 October 2014, the court gave Shahan Harutiunian a conditional sentence of a 4-year imprisonment (at the time of committing an offense he was 14 years old). Speaking about the sentence given to Shahan Harutiunian by the court, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, commented that the jail term given to the teenager is tantamount to life imprisonment given his age<sup>23</sup>.

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<sup>21</sup> Shant Harutiunian and his adherents declared a sit-in in the Liberty Square from October 31, 2013 against the Armenian authorities' policies. On November 5, they attempted a march, which was blocked by the police and demonstrators clashed with the police. As a result, over 30 individuals were detained. 14 of them were charged under Article 316 of the RoA Criminal Code ("Violence or threat of violence, not dangerous for life or health, against a representative of authorities or the latter's close relative, concerned with performance of his official duties"). In April 2014, after about a 5-month preliminary investigation there was a change in the criminal case of Sh. Harutiunian, A. Avetissian, A. Poghossian, A. Hovhannissian, H. Harutiunian, M. Arakelian, T. Petrossian, L. Petrossian, V. Vardanian, Shahan Harutiunian and S. Mnatsakanian. Charges under Article 316 of the Criminal Code were dropped and they were charged under Article 258 ("Hooliganism").

<sup>22</sup> <https://www.youtube.com/watch?v=YnJ8Njfy3M>

<sup>23</sup> <http://armhels.com/2014/10/10/ekh-handznakatary-shahan-harutyunyani-masin>

On September 18, following a trial that lasted nearly seven months, the general jurisdiction court of Arabkir and Kanaker-Zeytoun administrative districts of the city of Yerevan handed down a judgment in the case of the Army Reserve Colonel Volodya Avetissian<sup>24</sup>. He was sentenced to six years in prison and to a fine. He was ordered to pay for the benefit of the State the amount of Armenian drams equivalent to 2,000 USD. On 18 August 2014, the court judgment was appealed against in the RoA Criminal Appellate Court. However, on September 16 the Appellate Court published its ruling thereby rejecting V. Avetissian's appeal and upheld the judgment handed down by the first instance court. On October 28, the ruling of the RoA Criminal Appellate Court was appealed against in the RoA Cassation Court.

## **B. Persecutions**

The trials in the criminal cases that were still open in 2013 against Arishtie Kivirian, editor-in-chief of *Armenia Today*, were held in the general jurisdictional court of Arabkir and Kanaker-Zeytoun, administrative districts of Yerevan. During the 24 August 2013 protest staged at 5 Komitas Street the police used violence against the protesters and dispersed the peaceful rally. More than ten participants, including Arishtie Kivirian, were brought to the police department. A criminal case was opened against him under Article 316 ("Violence or threat of violence, not dangerous for life or health, against a representative of authorities or close relatives, concerned with performance of his official duties") and Article 333 ("False crime reporting, if the person consciously provided false information") of the RoA Criminal Code.

On 1<sup>st</sup> August 2013, Arishtie Kivirian filed a complaint with Kentron district police about violence used against him by the police. The dossier was sent on 20 August to the Special Investigation Service. The decision on September 28 was to reject the request to open a criminal case, contending that there was no corpus delicti in police actions. That decision was appealed against on 26 November 2013 to the general jurisdiction court of Kentron and Nork-Marash administrative districts of Yerevan. By its 3 February 2014 ruling the court revoked the 28 September 2013 refusal to open a criminal case.

On 5 May 2014, the Office of the RoA Prosecutor General opened a criminal case under Article 309 Part 2 of the RoA Criminal Code. Later on, on October 28, the Special Investigation Service reversed the decision and closed the case. On 6 November 2014, a complaint against that decision was lodged with the RoA Prosecutor General.

Besides the criminal cases, the RoA Police opened five administrative cases against Arishtie Kivirian in the administrative court under Article 182 of the RoA Code of Administrative Offences (i.e. disobeying a lawful demand of a serviceman of police troops or of a police officer made in the performance of his duties of maintaining public order, ensuring public safety and/or protection of facilities). Only one of these five cases has reached a conclusion, subjecting Arishtie Kivirian to administrative liability. The other four cases are still in progress.

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<sup>24</sup> On 9 May 2013, the Army Reserve Colonel Volodya Avetissian staged a protest action, a sit-in in Liberty Square by which he wanted to draw the attention of the government to social problems. On 20 September 2013, he was detained and charged with committing an offense punishable under Article 178 of the RoA Criminal Code ("Swindling").

### **C. Persecution of Politicians by Secret Services**

The year 2014 has shown that policies pursued by the Committee for State Security (KGB) during the Soviet era are still being implemented today in Armenia. The practice of "implanting" secret agents into various entities is ongoing, including in political parties.

On 10 December, reporters asked RoA police chief Vladimir Gasparian press why the police are absent at rallies organized by the Prosperous Armenia political party and whether he thought a revolution was imminent. He commented: "I am the person who has a lot of information. I do not make a wasteful use of the police force, because besides the overt police force there are also plainclothes policemen, clandestine services. I know who thinks what and what ideas they entertain"<sup>25</sup>.

The secret services attempted to recruit Hrayr Manukian, a board member of the Heritage political party. According to his statement to the Prosecutor General on 8 July, he had been approached the previous month by a person presenting himself as Vlad Hakobian, who claimed to be in the employ of the National Security Service (NSS). The man offered Hrayr Manukian to collaborate with the NSS. When the offer was declined, the said person threatened him and warned him about negative consequences for Manukian and Heritage party's activities. Manukian audio taped the conversation and submitted an electronic device with recorded conversation to the Prosecutor's Office.

In response, the Office of the Prosecutor General said that the actions attributed to the NSS employee did not contain characteristics of an obvious crime. On 11 August 2014, a complaint was filed asking the court to obligate the body in charge of investigations to open a criminal case. The case is currently awaiting trial.

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<sup>25</sup> See <http://www.azatutyun.am/content/article/26735236.html>



## **CHAPTER IV: Human Rights Violations by the Police**

In the first three months of 2015, the Helsinki Citizens Assembly-Vanadzor collected statistical data about human rights violations by the police for its project “Raising Effectiveness of the Protection of Citizens’ Rights in Relation to the Police.” The initiative had the financial support of the Norwegian Helsinki Committee<sup>26</sup>.

### **Methodology**

Around 15 on-line media sources were monitored in order to collect cases of human rights violations by the police. The cases have been analyzed based on the information provided by the media. This report does not take responsibility for the credibility of the information reported. The cases of human rights violations have been tabulated according to the police officers’ actions and the venues of those actions.

The cases have been divided into 2 groups: individual cases (in the sense that they didn’t happen during a public event or assembly) and cases that happened during public assemblies including all kinds of public or group events, such as protests, marches, open-air press-conferences or candlelight vigils.

### **Consolidated data on the cases of human rights violations by the police**

During the reporting period 56 violations of citizen’s (human) rights by police officers were reported, they were:

- 19 cases of the right to freedom of assembly
- 12 cases of the right to personal freedom and immunity,
- 7 cases of the right to be free from inhuman or degrading treatment,
- 6 cases of the right to effective remedy,
- 4 cases of the right to be free from physical violence,
- 3 cases of the right to information,
- 2 cases of a journalist’s rights,
- 1 case of the right to respect for one’s private and family life,
- 1 case of the right to the immunity of residence,
- 1 case of the right to life and the right to be free from inhuman and degrading treatment.

### **Consolidated data on the individual cases of human rights violation by the police**

During the period 18 individual cases of human rights violations by the police were reported, they were:

- 3 cases of the right to personal freedom and immunity,
- 3 cases of the right to be free from inhuman or degrading treatment (including the right to be free from psychological pressure and threats),
- 3 cases of the right to effective remedy,
- 3 cases of the right to be free from physical violence,
- 3 cases of the right to information,

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<sup>26</sup> See the full report at <http://hcav.am/en/publications/01-05-2015/>

- 1 case of the right to respect for one's private and family life (including the secrecy of personal data and telephone conversations),
- 1 case of the right to the immunity of residence,
- 1 case of a journalist's rights.

### **Geographical distribution of individual violations**

- 13 cases were reported in the city of Yerevan
- 3 cases were reported in Armavir region; 2 cases in the city of Armavir and 1 case in the city of Metsamor
- 1 case was reported in the city of Ijevan in Tavush region
- The venue of one of the cases was impossible to identify

### **Number of people directly affected by violations**

- In 10 cases 1 person's rights were violated
- In 2 cases 5 persons' rights were violated
- In 1 case 19 persons' rights were violated
- For the other 5 cases it was impossible to determine the exact number of people.
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### **Consolidated data on the cases of violation by the police during public assemblies**

Throughout the reporting period 38 cases of human rights violations were reported during public assemblies, they were:

- 19 cases of the right to freedom of peaceful assembly,
- 9 cases of the right to personal freedom and immunity,
- 4 cases of the right to be free from inhuman or degrading treatment (including the right to be free from psychological pressure and threats),
- 3 cases of the right to effective remedy,
- 1 case of a journalist's rights,
- 1 case of the right to be free from physical violence,
- 1 case of the right to life and the right to be free from inhuman and degrading treatment.

### **Geographical distribution of public assembly violations**

- 23 cases were reported in the city of Yerevan
- 14 cases were reported in the city of Gyumri in Shirak region
- In 1 case RA police inactivity was reported related to a violation that happened near the city of Berdzor in the Republic of Nagorno Karabakh

### **Number of people directly affected by violations**

- In 10 cases 1 person's rights were violated
- In 4 cases 2 persons' rights were violated
- In 2 cases around 1000 persons' rights were violated
- In 1 case 38 persons' rights were violated
- In 1 case around 25 persons' rights were violated
- In 1 case 21 persons' rights were violated
- In 1 case 4 persons' rights were violated

- In 1 case 3 persons' rights were violated
- In 17 cases it was impossible to determine the number of people affected



## **CHAPTER V: Torture and Cruel, Inhuman or Degrading Treatment or Punishment**

Over the past few years, this issue has been repeatedly addressed by a wide range of Armenian and foreign NGOs in various conferences and human rights reviews, such as the UN Universal Periodic Review, the OSCE/ ODIHR Human Dimension Implementation Meeting and the Council of Europe Committee on Prevention of Torture. Two remarkable reports were recently published by Armenian human rights organizations.

### **A. Report of the Helsinki Committee of Armenia 2014**

Instances of torture and inhuman and degrading treatment in police departments continued in 2014.

The Group of Civic Observers that conducts monitoring of the police detention facilities issued several statements in 2014 concerning instances of torture. The first statement referred to A.T. who was detained by Taron department of the Lori Regional Division of the RoA Police. According to the statement, the detainee had been beaten by the police and proper medical assistance was not subsequently provided. The Group documented his bodily injuries and submitted a report to the Prosecutor's Office. The RoA Special Investigation Service initiated a criminal case under Article 309 Part 2 of the Criminal Code.

Another statement referred to D.H. who had been forcibly brought to Armavir Police Department. The Group recorded violations committed while the detainee was being transported to the police department. It noted that the person in question went on a hunger strike to demand that the policeman who had beaten him be punished.

Despite substantial facts and evidence the criminal cases for torture have not been initiated or were dismissed. For the most part, instances of torture in police custody could have earlier been attributed to an attempt to extort a confession; however, it is notable that in 2014 such acts were largely perpetrated against the political opposition and participants in various protest actions.

On 12 June 2014, the day in court for Shant Harutiunian, Haik Kureghian staged a political action in front of the court building in support of Shant Harutiunian and other individuals on trial with him. Haik Kureghian was beaten in the police transport vehicle and then afterwards at the police station.

On June 28, following Kyureghian's statement, a criminal case was instituted in which he was recognized as an aggrieved party. On October 13, the case was dismissed on the grounds that the claims of police violence against Kyureghian had not been proven.

On 13 May 2014, citizens held a protest action in *Mashtots* public garden in Yerevan against the renaming of the garden. During the protest several participants were taken to police departments and subjected to violence. A criminal case was instituted in connection with the incident; however, the activists were not involved in the investigation as an aggrieved party. Furthermore, one activist was accused of using violence against the policemen. On September 30, the Special Investigation Service decided to discontinue the criminal prosecution.

Among those taken to the police department was Dvin Issanians, who sustained injuries in the neck and abdomen and in the right vertebral area. There was also a bruise under the left eye. Issanians made a statement on the day of the incident that he had been beaten before being taken to the police vehicle. As they were nearing the vehicle, a police officer struck him so hard on the face that he lost consciousness. The police have issued no response to D. Issanians' statement.

On 13 October 2014, Arman Davtian<sup>27</sup> was detained at Bagratashen customs station and prohibited from crossing the border. Then he was taken to the police department in the town of Hrazdan, where his personal belongings and passport were seized. The police chief was cited in Davtian's letters as one who tortured him while in custody. The same man had been a deputy head of Mashtots police department in Yerevan.

Davtian told members of the Helsinki Committee of Armenia that policemen in the Hrazdan department had not tortured him, as they feared from the previous case that he would file a complaint. He refused to testify except in the presence of his lawyer. He was released the same day.

On 6 August 2014, police from Erebuni department arrested the husband of Tamara T. beating him and using other forms of violence in the process. He was held in custody unlawfully for one day and then eventually detained at Nubarashen, where he received no proper medical assistance. He died on November 26 as a result of his injuries<sup>28</sup>. On 19 December 2014, the Special Investigation Service posted information on its website concerning Tamara T.'s statement. The Special Investigation Service has initiated a criminal case under Article 308 Part 1 ("Abuse of official authority") and Article 309 Part 2 ("Exceeding one's official powers") of the Criminal Code.

According to N 24/3002 issued on 8 December 2014, the RoA Police carried out a nine-month internal inquiry in cases of reported beatings, torture and other violence against detainees and others in police custody. The inquiry was suspended until a relevant decision would be made by the Special Investigation Service in the criminal case No. 62204114 that it was investigating. At the same time, it was pointed out that the said case had been sent to the court and was currently at a trial stage.

## **B. Universal Periodic Review: Armenian NGOs Address the Issue**

At the last UPR of Armenia in January 2015, a group of civil society organizations submitted a report about the state of human rights in their country<sup>29</sup>. A section addressed the issue of torture and cruel, inhuman or degrading treatment or punishment:

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<sup>27</sup> It is noteworthy that in 2011 Arman Davtian, his wife S.M. and his friend A.M. were forcibly brought to Mashtots police department. They were beaten with rubber truncheons and parquet boards forcing them to "confess" and to give self-incriminating testimonies (for the detailed description of the case, see: <http://armhels.com/wpcontent/uploads/2013/02/Ditor-d-2013-01armNew-1.pdf>). Subsequently, both the criminal investigations department of Mashtots district and the Special Investigation Service refused to lodge a criminal case. The decisions were appealed in courts of various jurisdictions. On 23 July 2014, the RoA Cassation Court handed down the final decision to return the cassation complaint.

<sup>28</sup> See <http://www.investigatory.am/am/News/item/1389/>

<sup>29</sup> See [http://www.upr-info.org/sites/default/files/document/armenia/session\\_21\\_-\\_january\\_2015/js1\\_upr21\\_arm\\_e\\_main.pdf](http://www.upr-info.org/sites/default/files/document/armenia/session_21_-_january_2015/js1_upr21_arm_e_main.pdf)

### ***“Overview and Legislative Framework***

“The problem of torture was highlighted in the previous UPR review as an urgent issue needing to be addressed from multiple perspectives, in the incompatibility with the definition of torture to international standards, in bringing perpetrators to justice, and in the use of evidence obtained through torture in courts. In reality, there has been no improvement in the situation, both legislatively and in practice. While a new Criminal Code is being developed, which should address this issue of torture definition, the process is being carried out largely behind closed doors.

“The definition of torture as stipulated by Criminal Code (articles 119 and 341) does not correspond to the definition of Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, the definition does not allow for public officials to be held accountable for direct involvement in acts of torture, cruel, inhumane or degrading treatment or punishment. Furthermore, it does not prescribe accountability ‘at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity’ as stipulated by the UN Convention. This loophole results in the prosecution of torture perpetrators under other articles, milder punishments, and results in a heightened atmosphere of impunity.

### ***“Police Detention Centers and Penal Institutions***

“The current definition of torture in Armenian legislation does not allow for the prosecution of public officials. According to official data, in 2013, the Special Investigative Service (SIS) investigated 114 cases for exceeding official authorities through violence, use of weapon or special measures<sup>30</sup>. In only 19 of these cases, criminal proceedings were initiated, and 10 of the 19 cases were subsequently discontinued.

“The Group of Public Observers Monitoring the Places for Holding Arrested Persons of RA in the Police System of Armenia (Police monitoring group) reports that torture is used to coerce self-incriminating evidence in the investigation rooms, which remain off limits for any civil society monitoring. This data is acquired by them based on their regular and ad-hoc visits to police detention facilities. According to HCA<sup>31</sup>, victims of ill treatment and torture are reluctant to file an application because of a fear of pressure or a lack of trust in the credibility of investigations. In cases when an application is filed, the case is either not initiated or is discontinued because of a lack of evidence. There is also no effective investigation into torture allegations made in the courtroom, as self-incriminating evidence continues to be used during trial. Meanwhile, the Police monitoring group has reported an alarming statistic of bodily injuries of detainees for 2013. Of the 719 arrested in Yerevan, 236 (32.8%) were admitted with bodily injuries. Similarly, of the 712 arrested in the regions, 88 (12.36%) were also admitted with bodily injuries.

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<sup>30</sup> Article 309 (2) of RA Criminal Code

<sup>31</sup> Treatment of Detained Persons in Police Departments, Helsinki Committee of Armenia, 2013. See <http://armhels.com/wp-content/uploads/2013/04/zekuyc-2013Engl.pdf>

“Overcrowding of penal institutions remains a big problem. Indeed, the situation in some penal institutions qualifies as torture by the CPT<sup>32</sup>. The Armenian government plans to address this situation by building four new establishments over the course of 10 years, partly in order to relieve the existing ones<sup>33</sup>. Moreover, the introduction of probation as an alternative to imprisonment is currently being discussed. On the one hand the government is developing alternatives to imprisonment, and on the other, enhancing and enlarging penitentiary establishments, indicating that incarceration will remain a priority measure of restraint.

According to a study<sup>34</sup> conducted by HCA, isolation in a cell and beating with batons are the most common ways of punishment for inmates. The same study reveals systemic corruption and the prevalence of hierarchic relationships in penal institutions.”

### **C. UPR: UN Member States Make Recommendations**

Out of 179 recommendations made by the UN Member States and accepted by Armenia, nine were concerning the issue:

120.89. Continue to improve its comprehensive framework by introducing the definition of “torture” in compliance with Article 1 of the Convention against Torture (Serbia);

120.90. Ensure that the definition of torture in national law is fully in line with the UN convention against torture (Germany);

120.91. Provide criminal liability for torture in line with Article 1 of the UN Convention against Torture (Turkey);

120.92. Encourage the National Assembly to pass legislation that would enable Armenia to more fully comply with its international human rights obligations, including expanding the definition of torture in its domestic law to include crimes committed by public officials in their official capacities, and criminalizing domestic violence (United States of America);

120.93. Amend Armenia’s Criminal Code to ensure it is consistent with the definition of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment particularly the inclusion of acts committed by public officials (Australia);

120.94. Establish a system for the management of complaints of torture and ill-treatment by police and security forces to ensure that such acts, committed against civilians or prisoners, are effectively investigated and sanctioned (Belgium);

120.95. Take steps to ensure that allegations of ill treatment of persons detained by the security and police forces are fully investigated and that perpetrators are held accountable (Canada);

120.96. Combat torture and other inhuman or degrading treatment and ensure that these acts do not go unpunished (France);

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<sup>32</sup> Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 May 2010. Retrieved from <http://www.cpt.coe.int/documents/arm/2011-24-inf-eng.pdf>

<sup>33</sup>“Response of the Armenian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Armenia from 5 to 7 December 2011. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). October 3, 2012. See <http://www.cpt.coe.int/documents/arm/2012-24-inf-eng.htm>

<sup>34</sup> Imprisonment or Torment? Life in Penal Institutions, Helsinki Committee of Armenia 2013, see <http://armhels.com/wp-content/uploads/2013/12/zekuyc-2014Eng-2.pdf>

120.97. Take measures to ensure that the national mechanism for the prevention of torture and other cruel, inhuman and degrading treatment is provided with sufficient resources to operate effectively (Mexico).



## **CHAPTER VI. Freedom of Expression, Journalists and the Media**

On 30<sup>th</sup> January 2015, the Armenian NGO Committee to Protect Freedom of Expression published its annual report “On the Situation of Freedom of Expression and Violations of the Rights of Journalists and Media in Armenia in 2014.”<sup>35</sup> See hereafter some excerpts from this 39-page well-documented report.

### **A. Executive Summary**

“The year 2014 was a hard time for the activities of the media. It was marked by attempts to limit freedom of expression, pressure on the media and journalists and obstructions to their work by different government agencies and their representatives.

“For example, on March 4 the draft amendments to the RA Civil Code were circulated at the National Assembly which envisaged liability for the media for disseminating publications or comments by fake users of social networks. The authors of the draft amendments had, actually, made up their mind to regulate the internet through limiting freedom of expression and putting pressure on the media. This caused a strong backlash among journalists; human rights organizations and international organizations expressed concerns. On March 14, 9 journalism organizations, including Committee to Protect Freedom of Expression, made a statement urging to withdraw the draft amendments and develop new conceptual principles for the modern communication sphere in line with European standards. This issue was discussed during a parliamentary hearing on March 31 and afterwards they did not get back to this bill.

“The media received another alarming signal from the May 22 message posted on the website of the RA Prosecutor General’s Office which was a reminder that the media are subject to criminal liability for publication of information on cases in the stage of investigation without authorization. In such cases, according to the message, investigative and procedural actions will be undertaken to find out the source of information. A number of media and journalism organizations highlighted that the approach of the RA Prosecutor’s Office to this issue poses threat to the freedom of expression, as well as imposes groundless limitation on media activities. However, on June 26 a legal case came up in the result of which the Hraparak Daily and the website iLur.am were obligated to disclose the source of information of a publication on a criminal topic. By the way, several provisions of the RA Law on the Mass Media were ignored. The two media outlets appealed against the court decision at higher instances but the Court of Appeals and the Court of Cassation dismissed their complaints.

“Physical violence against reporters and the attitude of the law enforcement agencies towards these cases are of concern. Of all reported nine cases no person who used violence has been held responsible.

“In 2014 several important amendments to legislation regulating the activities of the media were undertaken. For example, on June 21 the RA National Assembly passed two interrelated

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<sup>35</sup> See full report at <http://khosq.am/en/reports/the-2014-annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia/>

bills amending the RA Law on Television and Radio and the RA Law on Advertising, which allow private TV companies to advertise hard liquor from 22:30 and 6:00. Earlier advertising such drinks (except Armenian brandy) was altogether banned. And on December 17 the extraordinary session of the National Assembly passed new draft amendments to the RA Law on Television and Radio and the RA Law on Advertising which bans commercials on Public Television except for specifically defined cases.

“With regards to improvement of the legal framework of the media, it is highly important that three journalism organizations –Committee to Protect Freedom of Expression, Yerevan Press Club and Media Initiatives Center (former Internews Armenia) – drafted amendments to the RA Law on Television and Radio with a view to achieving fundamental change in this sphere during transition to digital broadcasting, modernization, free and fair competition, a legal framework that will ensure diversity and pluralism of TV and radio programs. The draft amendments were presented to the RA National Assembly in November.

“Scrutinizing the situation with freedom of expression and studying the environment where the media and journalists work, CPFE continues to report cases of violation of their rights. Compared with 2013, in 2014 the total count of such facts went down: 77 and 65. Nevertheless, this year’s statistics equally causes concerns. In 2014, CPFE reported 9 cases of physical violence against journalists (less by 1 compared with 2013), 43 facts of pressure on the media and their workers (less by 14 compared with 2013), 13 cases of violation of the right to receive and impart information (up by 3 compared with 2013).

“In 2014, 22 new complaints relating to the activities of the media were declared admissible by different courts. Of them, 17 are cases of insult and defamation, 3 are copyright infringement cases, 1 is a case relating to disclosure of the source of information, 1 is other case.

## **B. Violations of Rights of Journalists and Media**

“Violations of the rights of journalists and the media reported throughout 2014 are listed as per the following classification made by CPFE:

1. Physical violence against journalists;
2. Pressure against the media and their workers;
3. Violations of the right to receive and impart information.

“This classification made by CPFE is relative to some extent. In particular, sometimes obstruction to receiving and imparting information comes along with violence against a journalist. Such facts are listed under the type to which they are deemed by the authors of the report to be the closest. Nevertheless, this classification allows providing a more comprehensive and clear picture of violations of the rights of journalists and the media.

“In 2014, CPFE reported 9 cases of physical violence against journalists, which is less by one compared with the same period of 2013. The count of different forms of pressure against the media and their workers is 43, which is less by 14 compared with the previous year. As to violations of the right to receive and impart information, CPFE has reported 13 facts throughout 2014. They are up by 3 compared with 2013.

“Hence, the total number of violations of the rights of the media and journalists in 2014 is 65, which is less by 12 compared with 2013.

***Semi-annual quantitative data on violations that took place in 2014***

<b>Types of violations</b>	<b>First half of 2014</b>	<b>Second half of 2014</b>	<b>Total in 2014</b>
Physical violence against journalists	5	4	9
Pressure against the media and their workers	29	14	43
Violations of the right to receive and impart information	10	3	13

***Comparative table of data for 2013 and 2014***

<b>Types of violations</b>	<b>2013</b>	<b>2014</b>
Physical violence against journalists	10	9
Pressure against the media and their workers	57	43
Violations of the right to receive and impart information	10	13

“Like in the previous reports, CPFE notes that the data in the table may not be exhaustive and absolutely accurate. Sometimes the representatives of the media may not wish to publish facts of obstruction to their professional activities, ignore different threats addressed to them or prefer solving their problems and overcoming illicit restrictions by themselves. Hence, CPFE believes that the real number of obstructions is more than this report states. Below are the more significant facts.

**C. Physical Violence Against Journalists**

“In 2014, CPFE reported 9 cases of physical violence against journalists. We have listed them in chronological order.

**“On February 12**, at around 19:00, a group of police officers obstructed the work of the reporter of the Chorrord Ishkhanutyun, Ani Gevorgyan, and the camera operator of the news website iLur.am, Sargis Gevorgyan Mashtots Avenue in Yerevan. The policemen used violence to bring them forcefully to the Central Division of Yerevan City Police Department. “The journalist and the operator were on Mashtots Avenue to cover distribution of leaflets announcing the March 1 rally by the activists of the Armenian National Congress. The activists and a group of Young Republicans trying to thwart their action clashed, the police officers arrived on the scene and while taking the participants of the incident to the police station attempted to seize the video cameras from Ani Gevorgyan and Sargis Gevorgyan. The latter refused to hand in their cameras and were detained as well.

“According to Ani Gevorgyan, while in the car, the policemen continued to hit her in the arms. At Central Division, a plainclothes man (according to the reporter, the chief of the

division Artak Poghosyan) slapped her in the face and instructed his personnel to seize her telephone as he saw her giving an interview by telephone.

“In another room of the police station, several policemen shouted abuse and used force against the cameraman Sargis Gevorgyan. Later on, ignoring their claim to call a lawyer, they searched both the journalist and the cameraman and took away their video cameras, and when they returned the equipment, all the recordings had been deleted. Both Ani Gevorgyan and Sargis Gevorgyan were set free at around 22:30.

“Following this case, on February 13, Committee to Protect Freedom of Expression with four journalism and human rights partner organizations published a joint statement, condemning the use of violence by the police and called for an in-house investigation to assess the lawfulness of the actions of the Chief of Police Division and his subordinates, as well as the expediency of their further service in the police. On February 14, OSCE Representative on Freedom of the Media, Dunja Mijatović expressed her concerns about the case of obstruction of journalist’s work by the police in Yerevan on February 12.

“On February 25, the RA Special Investigative Service (SIS) launched an investigation into this case based on the crime report by Ani Gevorgyan under Article 164 Para 2 of the RA Criminal Code (Hindrance to the legal professional activities of a journalist by an official abusing one’s official position) and Article 309 Para 2 (Exceeding official authorities with use of violence, weapons, or special measures).

“In an interview with Epress.am, the journalist stated that the three police officers made ridiculous testimonies during the May 29 confrontation which lasted for almost four hours; they insisted unanimously that the chief of Central Division Artak Poghosyan did not even turn up at the room where she was and that the journalist had allegedly handed her telephone voluntarily.

“On June 4, Ani Gevorgyan applied to the head of the SIS claiming to hold responsible Detective Arshaluys Minasyan for breach in the process of investigation. During the confrontation with Artak Poghosyan, while writing down Poghosyan’s oral answer to Ani Gevorgyan’s question, he deliberately distorted it, recorded wrongly, whereby the testimony was falsified.

“On June 24, the SIS decided to dismiss proceedings due to “absence of an element of a crime”. Ani Gevorgyan submitted a complaint to the RA Prosecutor’s Office against this decision and, upon receiving a refusal, she applied to the General Jurisdiction Court of Center and Nork-Marash Administrative Districts, disputing both the decision of the SIS to dismiss the case and the decline of her complaint by the prosecutor general. On September 30 the first instance court dismissed the journalist’s claim. On October 10 Ani Gevorgyan appealed against the decision of the first instance court. On November 20 the Criminal Court of Appeal did not change the decision of the first instance court. Ani Gevorgyan submitted a cassation complaint against the decision of the Criminal Court of Appeal.

**“On May 7**, the work of the journalist of Hetq.am Ani Hovhannisyan was obstructed in front of Gavar residence of the General Jurisdiction Court of Gegharqunik. She intended to cover the proceedings on the case of Sargis Hakobyan, accused of torturing his wife. The person who caused obstructions to the journalist’s work was Armen Ghevondyan, a taxi driver who

had driven the leader of the Socialistic Movement Robert Aharonyan, supporter of the accused, from Yerevan to Gavar. After the court sitting a quarrel began between Robert Aharonyan and the group of women's rights activists. While Ani Hovhannisyan was videoing the incident, Armen Ghevondyan attacked her and hit several times at her video camera. The driver and his female passenger then threatened to get the journalist in Yerevan and "do in" her.

"On the same day, May 7, Ani Hovhannisyan reported a crime to the police. On May 8 Ani Hovhannisyan was interviewed at the investigative unit of Gavar Police Division, and on May 20 at Gegharkunik Investigative Unit of the RA Police General Investigation Department. Though the journalist reported to the police a fact of obstruction of her work, proceedings were launched under Article 258 Para 1 (Hooliganism).

"The taxi driver Armen Ghevondyan and the Leader of Socialistic Movement Robert Aharonyan were interrogated. A confrontation between the taxi driver and the journalist was organized as well. On August 18 Gegharkunik Investigative Unit of the RA Police General Investigation Department decided to suspend proceedings on the criminal case against Armen Ghevondyan on the grounds of absence of an element of a crime. The journalist has not complained against this decision because, as she put it, she does not trust the police and the law enforcement system in general.

**"On June 23**, an incident involving policemen and a group of citizens, including journalists, near the Central Division of Yerevan City Police Department was reported. They arrived there as soon as they learned that about thirty participants of the demonstration near the office of the Public Services Regulatory Commission against rise in price of electricity had been detained.

"According to the journalist of the Chorrord Ishkhanutyun Newspaper Ani Gevorgyan, the deputy chief of the Central Division of Yerevan City Police Department Vardan Gevorgyan instructed to "sweep" reporters off the area; the police formed a wall and started kicking journalists in the legs. Ani Gevorgyan was hit in her face as well. The policemen hit Arpi Makhsudyan, the Civilnet reporter, when she was videoing the incident on her telephone. They also attacked Paylak Fahradyan, the cameraman of GALA TV, his laptop was damaged. The policemen forcibly took indoors the cameraman of iLur.am Sargis Gevorgyan. He informed his colleague by mobile phone that he was hit and caused to fall on the floor.

"On the same day Ani and Sargis Gevorgyan reported a crime to the police. On June 24 Ani Gevorgyan was invited to the police to provide explanations but she was not given an opportunity for a forensic examination.

"On June 26 Reporters Without Borders expressed concerns about the cases of violence against reporters. "We firmly condemn the police violence against journalists who were just doing their job in a law-abiding manner. The actions of the police must not be unpunished or else their violent behavior will recur and could become the norm. The policemen who attacked the journalists must be brought to justice," said Johann Bihr, the head of the Reporters Without Borders Eastern Europe and Central Asia Desk.

“On July 1 the Special Investigative Service launched proceedings into the reports submitted by Ani Gevorgyan and Sargis Gevorgyan under Article 164 Para 3 (Hindrance to the legal professional activities of a journalist) and Article 309 Para 2 (Exceeding official authorities).

“Ani Gevorgyan, Sargis Gevorgyan and others involved in the incident were victimized. On October 14 Ani Gevorgyan was invited to the SIS for additional explanations, her confrontation with one of the policemen who used violence against the citizens was on October 15. Ani Gevorgyan passed the video recording of the incident to the SIS. On December 27 the SIS dismissed the criminal case on grounds of absence of an element of a crime. The journalist has stated likely to complain against this decision.

**“On June 24**, one of the policemen on duty during the protest at the building of the Afrikyans rudely pushed and flung Karine Harutyunyan, journalist of Yerkir.am, on the ground causing her a minor bodily injury. The journalist was not among the demonstrators. She was merely doing her work of journalist.

**“On September 9** the journalist of A1+ TV company Marine Khachatryan underwent violence at the Baghramyan Avenue entrance of the RA National Assembly while covering the action of Hakaharvats Group (Counteraction Group). The head of the NA security service Karen Hayrapetyan assaulted the reporter, hit her in the arm and flung her video equipment onto the ground. The organizers of the action had brought a banner stating “Hi Rob” and affixed it to the gates of the parliament as a reminder of the murder of Poghos Poghosyan who had greeted the second president of Armenia with these words at the Poplavok Café 13 years ago.

“Jointly with several journalism organizations, CPFE made a statement strongly condemning the act of violence against the journalist of A1+, defined the incident as a criminal offense and urged the parliament to punish the person who hindered professional activities of journalist and the RA Prosecutor’s Office to consider this statement as a crime report. On September 12 RA Prosecutor General Gevorg Kostanyan ordered to send the press publications on the incident to the SIS. In a note dated September 22 the SIS informed the journalist that no proceedings would be launched due to absence of an element of a crime in Karen Hayrapetyan’s act.

“On September 29 A1+ informed that the head of Union of Informed Citizens NGO Daniel Ioannisyanyan had submitted a complaint against the SIS decision to RA Prosecutor’s Office through a relevant statement addressed to the Prosecutor General. On October 7 the statement of the RA Prosecutor’s Office was published according to which Prosecutor General Gevorg Kostanyan decided to revoke the SIS decision and launch proceedings under Article 164 Para 1 (Hindrance to the legal professional activities of a journalist) of the RA CC. On November 20 the SIS decided to discontinue proceedings on this criminal case on the grounds of absence of an element of a crime. On November 28 the RA Prosecutor’s Office revoked this decision since the SIS conducted the investigation with grave breaches of the procedure. In particular, the journalist of A1+ was not victimized despite sufficient grounds available. Upon resubmission of the case to the SIS, the RA Prosecutor’s Office ordered to victimize the journalist. On December 1 Marine Khachatryan was victimized and in this status she was interviewed on December 8.

“On December 23 the representative of the victim, CPFE lawyer Olga Sarafyan filed a motion for re-examination. On December 24 the SIS investigator dismissed the motion. On December 29 the victim’s representative submitted a complaint to the RA Prosecutor General on the investigator’s decision.

“On December 30 the journalist Marine Khachatryan learned from a note received from the SIS that this agency has again decided to dismiss the criminal case on the grounds of absence of an element of a crime in Karen Hayrapetyan’s act.

**“On September 19**, first at Alexander Spendiaryan Opera and Ballet Theater where the Armenia-Diaspora Conference was held, then in the territory adjacent to the theater, the professional activities of the Haykakan Zhamanak Daily reporter Taguhi Hovhannisyan were obstructed. The journalist went up to Artyusha Karapetyan, the head of Nairi Association of the Armenian community of Kazakhstan, with some questions. Artyusha Karapetyan pushed her, seized her sound recorder and threw it away, then ordered the people accompanying him to “get her lost out of here”.

“A little later, near the Swan Lake, the correspondent for the Haykakan Zhamanak Daily tried to photograph Artyusha Karapetyan with her telephone but his people seized her telephone and threatened to throw it into the water. One of them deleted the photos and returned the telephone to her.

“According to the reporter, the head of the association was angered by her question about the moods of the Armenian community of Kazakhstan, namely dissatisfaction of the community representatives with Karapetyan’s activities about which there had been a great number of press publications.

“On September 22, jointly with a number of journalism organizations, CPFE made a statement strongly condemning the act of aggression against the reporter and called on the RA Prosecutor’s Office to consider this statement and press publications as a crime report, take necessary measures to hold those guilty responsible.

“On September 25, the press service of the RA Prosecutor’s Office informed that the press publications on the incident had been sent to the Office of the Prosecutor of Center and Nork-Marash districts of Yerevan.

“On October 8 information was posted on the Facebook page of the RA Investigative Committee that proceedings were launched based on the October 3 report of Taguhi Hovhannisyan at Central Division of Yerevan Police under Article 164 Para 1 (Hindering the legal professional activities of a journalist) of the RA CC. The investigation is conducted by the territorial unit of the RA Investigative Committee. In answer to CPFE the Investigative Committee informed that the investigation continues as of December 31.

**“On December 4**, Republican Member of Parliament Ashot Aghababyan’s border guard hit the video camera of Anna Matevosyan, the correspondent of the Hraparak Daily, while videoing the demonstration at the entrance of the RA National Assembly.

“On that day, the civil activists assembled at the entrance of the parliament called to vote against the ratification of the agreement on Armenia’s membership to the Eurasian Economic

Union, denouncing its supporters as traitors. Aghababayan did not answer those calling him “traitor” but his body guard suddenly assaulted the Hraparak reporter and hit her.

“In answer to the reporter’s indignation ‘how dare you hit?’ the body guard complained ‘how dare you call one a traitor?’ The journalist said she was not calling anyone ‘traitor’ and the bodyguard explained his act as ‘whoever calls’. The incident was reported by the Hraparak. The journalist has not reported to the law enforcement agencies.

**“On December 21** the ex-deputy chief of police Lyova Yerosyan attending the fifth conference of the Yeritasard Yerkrpah organization of Yerkrpah Union of Volunteers, while leaving the conference hall, used violence against Christine Aghalaryan, the reporter of Newsbook.am, who had gone up to him for an interview. The reporter asked if she could ask him several questions and, despite receiving a negative answer, she nevertheless asked her question. Lyova Yerosyan seized the telephone from the journalist’s hand with which she was going to record the interview and, holding her arm toughly, he said: “Don’t interfere!” The official wanted to give the telephone to one of his bodyguards or aides but when he saw other journalists approaching he returned it and hurried to leave the building.

## CHAPTER VII: Human Rights Defenders

Human Rights Defenders are those who individually or in group defend human rights, including NGOs, activists, advocates, lawyers, whistle-blowers and journalists. In 2014, Helsinki Citizens' Assembly-Vanadzor published a report<sup>36</sup> covering the year 2013 and updated its assessment with a submission<sup>37</sup> to the UPR of Armenia in 2015 that can be read below.

### **“Participation in decision-making on human rights protection mechanisms**

The impact of CSOs on policies adopted by the government is sporadic and minimal. CSO involvement in decision-making processes has a superficial and formalistic nature, especially in the sphere of government transparency and accountability.

Monitoring groups of public oversight over closed and semi-closed institutions, namely prisons, police detention facilities and special schools, have been somewhat successful in voicing human rights violations in the respective institutions. However, the lack of adequate response by the government discredits the very existence of public monitoring and belittles the potential contribution that monitoring groups can make to improve human rights in these institutions.

In her 2010 report on Armenia, the SR on the situation of human rights defenders specifically addresses the exclusion of CSOs and defenders from the preparation of the National Strategy for Human Rights Protection. The SR further makes a recommendation to address the specific needs of human rights defenders, including women and LGBT human rights defenders in the National Strategy on Human Rights<sup>38</sup>. The Strategy was developed by the National Security Council, approved by the President on 29 October 2012, and entered into force on 17 November 2012. The National Strategy's Action Plan was developed by the government and the Ministry of Justice and approved by the government on 27 February 2014. There were several discussions on the draft Action Plan between government agencies and CS members, who presented a large number of recommendations to the Action Plan; however, most of these recommendations were disregarded.

Although the final action plan approved by the RA government in February 2014 included a chapter on the development of mechanisms for the protection of human rights, it only included actions concerning the development of the office of the Ombudsperson. The chapter referring to the protection of human rights defenders proposed by Helsinki Citizens' Assembly – Vanadzor was not included at all. Recommendations towards establishing a mechanism where government agencies should provide the Parliament with annual reports on human rights issues in their respective fields were also rejected. This tool could have contributed to improving the transparency and accountability of the government and

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<sup>36</sup> See <http://hcav.am/wp-content/uploads/2014/09/HRD-Eng-Final.pdf>

<sup>37</sup> See [http://www.upr-info.org/sites/default/files/document/armenia/session\\_21\\_-\\_january\\_2015/js6\\_upr21\\_arm\\_e\\_main.pdf](http://www.upr-info.org/sites/default/files/document/armenia/session_21_-_january_2015/js6_upr21_arm_e_main.pdf) (pp 6-8)

<sup>38</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Mission to Armenia, retrieved on April 17, 2014 <http://www2.ohchr.org/english/issues/defenders/docs/A-HRC-16-44-Add2.pdf>

consequently the level of trust towards these agencies. Eventually it would contribute highly to the institutional protection of human rights.

Further, none of the recommendations concerning the accountability and transparency of the government agencies on specific issues were considered, such as a provision of regular information and statistical data from the Ministry of Justice and Ministry of Defense, Police, on instances of death in closed and semi-closed institutions and non-arms related budget expenditures in defense.

Also, rejected were proposals to provide effective investigation into cases of violence against human rights defenders, to use free broadcast time on public television for countering anti-HRD propaganda and to implement recommendations of the SR.

The overall action plan seems to avoid more sensitive human rights issues, such as a prohibition of discrimination or gender-based violence. The government is not inclined to allocate sufficient funding for the protection of human rights; according to the Action plan, 72 out of 119 proposed activities (60%) do not require funding.”

### **“The situation of human rights defenders and human rights organisations**

The indifferent attitude of the government to the challenges faced by human rights defenders and organizations as well as its unwillingness to acknowledge and work with CSOs and HRDs is demonstrated in government propaganda against NGOs and defenders involved in the protection of rights of women, LGBTI people, religious and national minorities, soldiers, election observers and those who advocate for Armenia’s European Integration. The situation became worse during the process of final negotiations on the Association Agreement with the EU in 2012-2013, when pressure, threats, and hate speech against HRDs became more aggressive<sup>39</sup>.

Members of marginalized groups and their defenders are especially vulnerable due to low public awareness and deliberate misinformation. Such misinformation and negative propaganda succeeded mainly due to lack of genuinely independent media. Television, particularly the Public Broadcaster, is under government control and does not provide a wide range of information. HRDs and HROs are unable to present their views to the larger public and to counter this misinformation<sup>40</sup>.

The NGOs receiving foreign funding are labelled as grant-eaters and traitors who shatter national interests, security and traditions<sup>41</sup>. For instance, on 16 October 2011, the Arajin

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<sup>39</sup> The recommendation to ensure that civil society activists and journalists are able to carry out their work free from harassment or violence was adopted by the Armenian government during the First UPR session (Rec. No 154)

<sup>40</sup> Broadcast media maintains the same policy as observed by the SR on the situation of human rights defenders in 2010:

“56. The Government seems not to consider NGOs as potential partners, nor are they perceived by society as representative. Awareness about the activities of civil society organisations is also very low. The media often ignores NGO initiatives, reports and press conferences, and furthermore NGOs are frequently denied access to the media. The Special Rapporteur notes with serious concern that human rights defenders are regularly depicted in a distorted manner in state-controlled media and even smeared. Human rights defenders have been time and again labeled as foreign agents, spies, cronies and the “fifth column”.

<sup>41</sup> “Vladimir Gasparian, former Deputy Minister of Defense, gave two interviews in October 2011 in which he criticized defenders who demanded fair investigations of human rights violations in the army. In one interview,

Lratvakan (First Informative) program on public television aired a report about Artur Sakunts, Chair of the Helsinki Citizens' Assembly-Vanadzor, and Levon Barseghyan, Chair of the Board of Journalists' Club Asparez. Sakunts and Barseghyan had spoken out about the number of non-combat deaths cases in the armed forces and had demanded a fair investigation. The televised report presented a distorted picture of the activities of the organisations and the projects they implemented, by quoting random excerpts from project descriptions and characterising them as an unreasonable waste of money and resources<sup>42</sup>.

This kind of government-led propaganda and failure to protect HRDs leads to hatred and discrimination against them. NGOs, individual defenders and even licensed advocates become victimized for protecting the rights of vulnerable groups.

Adoption of the Law against Discrimination and Law against Domestic Violence<sup>43</sup> which would provide legal grounds and mechanisms for resolving some of the abovementioned issues, is not even on government agenda.

Infringements against HRDs are usually carried out by various groups, gangs or GONGOs in the interest of intimidating them and restricting their activities. The problem of impunity for abuses against HRDs was raised by the SR, who stated that the apparent culture of impunity is closely related to deep-rooted problems within the police system and shortcomings of the justice system<sup>44</sup>.

As a general rule, the complaints and reports submitted by human rights organisations and activists on attacks, reprisals and intimidation against them are not properly investigated<sup>45</sup>. In several cases the only witnesses testifying in court are police officers, thereby calling into question the integrity of the investigation and charges. During the reporting period, journalists, civil activists, LGBTI and women's rights defenders, lawyers and environmental activists have been intimidated and harassed. Attacks and violence against HRDs have been perpetrated and encouraged by the police<sup>46</sup>.

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Gasparyan stated, "How can one's heart ache for the army of this country if one is financed from other countries? How can one's heart ache when one thinks the more sensational and the more terrible the case is, the better, because one can earn more money off of it? Those who are engaged in such activities are without a fatherland and with disgrace." Situation of Human Rights Defenders in Armenia, January 2011 – November 2012 Helsinki Citizens' Assembly – Vanadzor, Vanadzor 2012, page 10, See at <http://hcav.am/wp-content/uploads/2013/02/Report-English.pdf>

<sup>42</sup> Situation of Human Rights Defenders in Armenia, Report, January 2011 – November 2012 Helsinki Citizens' Assembly – Vanadzor, Vanadzor 2012, page 10

See at <http://hcav.am/wp-content/uploads/2013/02/Report-English.pdf>

<sup>43</sup> The draft Law on domestic violence is developed and was presented to the RA Government in 2010, but was not approved. See more at [http://www.wrcorg.am/en/activities/act\\_67.htm](http://www.wrcorg.am/en/activities/act_67.htm)

<sup>44</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Mission to Armenia, retrieved on April 17, 2014, See more at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/179/19/PDF/G1017919.pdf?OpenElement>

<sup>45</sup> The recommendation to effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders, and to ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice, to ensure the swift, transparent and effective prosecution of violence against journalists was adopted by the Armenian government during the First UPR review. (Rec. No 16, No 121, No. 156)

<sup>46</sup> "RA POLICE, WHAT A SHAME!", See at <http://hcav.am/en/events/ra-police-what-a-shame/>

On April 17, 2012 the Helsinki Citizens' Assembly-Vanadzor planned to host the Caucasus Centre for Peace Making Initiatives' film festival on its premises. The day before the event, the organisation's office was attacked by protesters demanding cancelation of the festival. Protestors gathered in front of the office and threw rocks and eggs, breaking windows and injuring an employee. The police took no action to ensure the safety of the organisation's staff, even after the organisation informed the police about the situation. Several police officers, who accompanied the protesters, simply stood by and watched. The authorities did not bring criminal charges against any of the attackers. HCA Vanadzor filed a complaint against the decision of the investigator not to institute a criminal case as well as against the inaction of the police. The criminal case was lodged and then dismissed shortly with no results. The appeal against the inaction of police officers has been in court since 2012.”

## CHAPTER VIII: Freedom of Religion or Belief

According to the latest 2011 population census results, approximately 92 percent of the population identify themselves as affiliated with the Armenian Apostolic Church<sup>47</sup>. Other religious groups, constituting less than 5 percent each of the total population, include Roman Catholics, Armenian Uniate (Mekhitarist) Catholics, Orthodox Christians, Evangelical Christians, Molokans, Pentecostals, Seventh-day Adventists, Baptists, Charismatic Christians, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Yezidis, Jews, Sunni Muslims, Shia Muslims, pagans and others.

Yezidis are concentrated primarily in agricultural areas northwest of Yerevan around Mount Aragats. Adherents of the Armenian Catholic Church mainly dwell in the northern regions of the country, the overwhelming majority of them traditionally members of the Catholic Church. Most Jews, Mormons and Orthodox Christians reside in Yerevan, along with a small community of Muslims, most of whom are Shia, including Iranians and temporary residents from the Middle East.

Statistics about religious affiliation are always open to controversy and Armenia is no exception. In its report "Community and the Country" published in 2014, the Helsinki Committee of Armenia devotes a chapter to the religious census under the title "Is the number of believers falsified? Religious organizations don't acknowledge the census data." All minority religions agree to say that the calculation of their own membership does not match the official statistics and they provide convincing figures<sup>48</sup>. And the Helsinki Committee writes:

Members of legally acting religious organizations and human rights activists are ascertained that the data on religious population published in the end of 2013 does not coincide with their numbers. Also categories are not properly classified (...).

Moreover, according to "Freedom of Conscience" media information, the data regarding religious population in at least two cities has been altered.

"The believers of the Armenian Apostolic Church made around 60% but when summing up, we wrote 90%," said one of the regional authorities responsible for the 2011 Census, preferring to stay anonymous. Another authority mentioned that people were not asked about their confession in regional villages and towns, but the desired numbers were added up."

A study entitled "Freedom of Religion in Armenia," authored by Meri Yeranossyan, Vahan Ishkhanyan and Avetik Ishkhanyan was published in 2010 by the Helsinki Committee of Armenia with the financial support of the Norwegian Helsinki Committee. This study presented a sociological survey based on a sample of 805 people:

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<sup>47</sup> The question about the religious affiliation was first introduced in the census in 2011.

<sup>48</sup> Catholics: 120,000-180,000

Protestants: 100,000 – 130,000

Jehovah's Witnesses: 25,000 (versus 8,695)

Mormons: 3,200 (versus 773)

Seventh-Day Adventist Church: 300-600

- 73.8% of the respondents considered themselves followers of the Armenian Apostolic Church
- 10% stated that they did not belong to any religious denomination
- 7% adhered to the community of Armenian Evangelical Churches
- 1.4% considered themselves “Christian” without specifying which Christian church they belonged to
- 0.5% had difficulty answering this question
- Other responses (less than 0.5%) included the atheists, Buddhists, Mormons, pagans...

Noteworthy is that among the respondents that adhered to the Armenian Apostolic Church

- 39% did not consider themselves “believers” but reportedly went to church from time to time and honored some traditions
- 29.9% declared they believed in God but did not go to Church and did not honor any religious tradition
- 26.2% said they were “believers” and routinely followed the traditions of the Church

### **A. Constitutional and legislative framework**

The constitution protects religious freedom; however, some laws and policies restrict religious freedom by providing special privileges only to the Armenian Apostolic Church (AAC) and limiting certain rights of minority religious groups<sup>49</sup>, including their ability to obtain building permits for the construction of churches and other religious centers.

The law prohibits but does not define “soul hunting,” a term describing proselytism.

The law governing religious groups does not explicitly mandate registration of religious groups, although only registered groups have legal status. Unregistered groups may not publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio or officially sponsor visitors’ visas, although individual members may do so.

To qualify for registration, religious groups must “be free from materialism and of a purely spiritual nature,” have at least 200 adult members, and subscribe to a doctrine based on “historically recognized holy scriptures.” The registration requirements do not apply to the religious groups associated with national ethnic minorities, although most have chosen to register. The Office of the State Registrar registers religious groups, and the Department of Religious Affairs and National Minorities oversees religious affairs and consults in the registration process.

The law prohibits foreign funding of foreign-based denominations but so far the government has not enforced this prohibition.

The criminal code prohibits incitement of religious hatred.

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<sup>49</sup> See the Opinions of the Venice Commission (Council of Europe) about draft amendments to the 17<sup>th</sup> June 1991 Law on Freedom of Conscience and on Religious Organizations:  
<http://www.venice.coe.int/webforms/documents/?opinion=643&year=all>  
<http://www.venice.coe.int/webforms/documents/?opinion=603&year=all>  
[http://www.venice.coe.int/webforms/documents/?pdf=CDL\(2009\)066-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL(2009)066-e)

## **B. Monopoly of the Armenian Apostolic Church and religious discrimination<sup>50</sup>**

The constitution and the law establish separation of church and state but recognize “the exclusive mission of the Armenian Apostolic Church as a national church in the spiritual life, development of the national culture, and preservation of the national identity of the people of Armenia.”

### ***Intrusion of the Armenian Apostolic Church in public schools***

The law mandates that public education be secular. Courses in the history of the Armenian Apostolic Church, however, are part of the public school curriculum and are taught by public school teachers<sup>51</sup>. The church has the right to participate in the development of the syllabus and textbooks for this course<sup>52</sup> and to define the qualifications of its teachers<sup>53</sup>. The church may also nominate candidates to teach the course. The class is mandatory; students are not permitted to opt out of the course, and no alternatives are available to students of other religious groups. In addition, the law grants the Armenian Apostolic Church the right to organize voluntary extracurricular religious classes in state educational institutions. Other religious groups cannot claim this right.

Since the introduction of the subject into schools, incidents of religious intolerance stemming from the conduct of these lessons have allegedly occurred. Sometimes AAC priests will participate directly in these classes, and sometimes classes will take place in churches, which violates the principles of the “Law on Education”, which states that education in the RA must be of a secular nature<sup>54</sup>. In reality, the subject “Armenian Church History” has turned into a study of the religion itself.

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<sup>50</sup> This section mainly reflects the contents of a research work by Stepan Danielyan, Vladimir Vardanyan and Artur Avtandilyan published by the “Collaboration for Democracy Centre” (CFDC) with the assistance of the OSCE Office in Yerevan.

<sup>51</sup> According to Article 4 of Section 3 of the RA Law on Education, “*The RA educational system is aimed at strengthening the spiritual and intellectual potential of the Armenian nation as well as maintaining and promoting universal human values. The Armenian Church contributes greatly to this work*”.

According to this same law – Point 6 of Article 5 of “Principles of State Policy in the Sphere of Education” – education in all educational establishments must be of a secular nature.

<sup>52</sup> The Church’s Christian Education Center of the Mother See had a primary role in developing and approving the textbooks and vetting the teachers of a course on the history of the Armenian Apostolic Church offered in the public schools.

<sup>53</sup> Since 2003, a new subject called “Armenian Church History” has been taught in schools. On February 22, 2007, the NA adopted the “Law Regarding the Relationship between the Republic of Armenia and the Holy Armenian Apostolic Church”, which permits the Church to initiate activities in public schools. An excerpt follows:

*“Article 8: The Role of the Holy Armenian Apostolic Church in the Sphere of Education.*

*The Holy Armenian Apostolic Church has the right to:*

- 1. Establish or sponsor kindergartens, primary and secondary schools as well as vocational colleges or institutions of higher educational within the framework of RA legislation.*
- 2. Take part in curriculum and textbook development for the subject “Armenian Church History”, define standards and qualifications for the teachers of the subject, and introduce schools to potential candidates who could teach the subject.*
- 3. Conduct optional educational courses in the state educational system, utilizing their buildings and resources and coordinating any organizational issues with the relevant educational establishment.*
- 4. Contribute to the spiritual education of society in educational establishments as prescribed by law”.*

<sup>54</sup> This is in clear contradiction of Article 5, Point 6, of the Law on Education.

In July 2012, the Center of Collaboration for Democracy (CCD), a nongovernmental organization (NGO), published a report on religious education in public schools, concluding that the curriculum and textbook for the course on the history of the Armenian Apostolic Church focused on the belief system of the church rather than on its history. According to the report, the classes included some elements of religious rites of the church, as well as hate speech against other religious groups, and were designed to indoctrinate students. The report quoted interviews with public school principals and teachers of the class, some of whom stated the purpose of the class was to mold students into “correct” Christians, keep them away from “sects,” bring them closer to the Armenian Apostolic Church, and teach them that other religions divide the nation. There were reports during the year of mandatory visits to churches during class hours and reports of religious rites performed in public kindergartens.

The interference of the Armenian Apostolic Church in public schools creates conscientious problems to parents who profess other religious or non-religious beliefs and the above statistics show that the number of such families is not insignificant<sup>55</sup>.

In 2014, the Council of Europe published a 50-page study entitled “Rights of Children from Religious and Ethnic Minorities in Armenia”<sup>56</sup> with the support of the Embassy of The Netherlands to Armenia. It identified public schools as the place where discriminatory attitudes and stereotypes of children of religious minorities were formed. The study cited numerous reports that teachers and principals discriminated against religious minority children. According to the study, teachers of the course on the history of the Armenian Apostolic Church customarily inquired about the religious affiliation of students at the beginning of the year, thus singling out the children of religious minorities and creating potential problems with their peers. The study also found that some teachers of this course started their classes with prayers.

One of the recommendations of the study is to make the ‘History of Armenian Church’ subject optional and deliver in parallel to it an optional class ‘World religions’ and/ or ‘History of Culture’. Another proposal is to create a working group which will remove from textbooks provisions identifying religious and ethnic belonging.

### ***Construction of places of worship***

According to Article 17 of the law “On the Freedom of Conscience and on Religious Organizations”, the AAC has certain ‘privileges’ such as “*Building new churches, and turning historical monuments belonging to it into churches – both at the request of the believers and at its own initiative*”. The law’s other articles contain no indication of whether other religious organizations other than AAC have the right to construct new church buildings. Our survey among religious organizations indicates that obtaining planning permission for building new

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<sup>55</sup> In the compilation of UN Information related to the UPR of Armenia, it was said about this issue :  
“52. CRC remained concerned that the study of the dominant religion in Armenia was a compulsory subject in the curriculum of schools and recommended the revision of the curriculum in order to reflect the freedom of religion of all children.”

<sup>56</sup> See the study conducted by Eurasia Partnership Foundation and authored by Hovhannes Hovhannisyan, Isabella, Sargsyan and Gayane Mkrtchyan at  
[https://www.coe.int/t/dg4/youth/Source/Resources/Publications/2014\\_Field\\_Study\\_Rights\\_of\\_Children\\_en.pdf](https://www.coe.int/t/dg4/youth/Source/Resources/Publications/2014_Field_Study_Rights_of_Children_en.pdf)

churches is fraught with various hurdles. There are regular reports of obstacles faced by religious organizations in building places of worship.

### ***Exemption from military service***

In 2013 the government approved changes to the alternative service law that instituted civilian control instead of military supervision over the alternative labor service. The amendments also reduced the duration of alternative (non-combat) military service from 36 to 30 months and the alternative civilian service from 42 to 36 months. Evasion of alternative service remained a criminal offense.

In accordance with Article 12, Paragraph 1, Sub-paragraph “c” of the Law on RA Military Service, the government has the authority to adopt decisions regarding the exemption of Armenian citizens from compulsory military service. Acting on this legal mandate, the Government periodically issues decisions regarding the exemption of particular clerics and seminarians of the AAC from compulsory military service<sup>57</sup>. This exemption is not granted to clerics of other religions.

### ***Societal discrimination based on religion or beliefs***

There are regular reports of societal discrimination based on religious affiliation, belief or practice. Members of minority religious groups reported experiencing societal discrimination and intolerance, including in the workplace, although few filed reports with the authorities.

Armine Davtyan, a professor at the Armenian State Pedagogical University, claimed that she had been dismissed on religious grounds following the rejection of her doctoral thesis on peculiarities of spiritual education in high schools. According to the media report, the university claimed she had been removed as a result of a general layoff. Davtyan noted that, while not a member of any religious group, her views differed from those of the Armenian Apostolic Church, which became evident during her doctoral thesis defense. Davtyan claimed she had been dismissed for these views. (See details in the Annex: “A scientific research failed for religious motives: The Church intervenes into science”)

### ***Social hostility***

Members of minority religious groups reported experiencing societal discrimination and intolerance, including in the workplace, although few filed reports with the authorities. Many media outlets demonstrated bias against minority religious groups.

Many media outlets continued to label minority religious groups as “sects” and propagated fear of religious minorities<sup>58</sup>. Various television stations broadcast one-sided discussions and news coverage in which participants characterized minority religious groups as enemies of the state. According to minority religious groups, those stations did not provide them with an

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<sup>57</sup> See, in particular, the RA Government Decisions N 492-A, 27.09.2007, N 1128-A, 15.05.2008, N 443-A, 23.10.2008, N 1201-A, 30.04.2009, N 473-A, 29.10.2009, N 1233-A 26.04.2007 “On the Exemption and the Occupational Deferment of Clerics of Holy See of St. Etchmiadzin, Monks and Students of St. Jerusalem “Saint Hakobyants” monastery and students of Calcutta Benevolent Seminary from Compulsory Military Service”.

<sup>58</sup> For more details, see the study of the Helsinki Committee of Armenia “Freedom of Religion in Armenia”.

opportunity to respond to the criticism nor to participate in television debates to present their own viewpoint. Most broadcast media outlets were owned by politicians in the ruling party or politically connected businessmen. Media outlets published inaccurate articles portraying religious minorities as criminals and spies. Many inflammatory statements did not specify a particular religious group, but instead aimed to create general intolerance toward all religious minorities. Religious groups also reported increased intolerance and threats in social networks.

The United Youth League slandered religious minorities, claiming that there were more than 215 “sects” functioning in the country receiving millions of dollars from abroad and aiming to destroy Armenia.

Another organization, “Menk” (We), was also known to campaign against the allegedly destructive influence on Armenian society of groups such as Word of Life, the Evangelical Baptist Church “Great Grace,” Jehovah’s Witnesses, Reima and Altar.

Other organizations such as One Nation, April 24 or Armenian Nationalists disseminate hate speech material against new religious movements in the public space. A few examples:

One Nation:

*“Beware of the sects. Jehovah’s Witnesses, Satanists, Mormons, Armenian Evangelicals, followers of Krishna, Pentecostals, Word of Life, Moonies, Protestants and others are just sects, which are sponsored by the West. They have no connection with OUR ARMENIAN APOSTOLIC CHURCH. We appeal to you: the emergence of these organizations in our country has a political basis – it has been ordered by the USA. It has one goal: to turn the Armenian nation into an ignorant, enslaved, materialistic mob of zombies that has renounced its spiritual roots and civil duties. It is now our moral obligation to protect our national and spiritual identity, our land, and our national Armenian Apostolic Church. Each and every Armenian must combat the sects’ corruptive anti-national impact everywhere – in his yard, in his apartment block. – Co-chairman of “One Nation” Alliance, Gor Tamazyan<sup>59</sup>.*

Armenian Nationalists: “DEATH TO SECTS AND THEIR MEMBERS!”

Law enforcement bodies never take action against them.

### **C. Jehovah’s Witnesses: A Case Study**

The “Christian Religious Organization of Jehovah’s Witnesses in the Republic of Armenia” was registered under this name on 8<sup>th</sup> October 2004. In 2013, their number was estimated at around 11,000 but the number of people attending their annual main religious event, the Memorial (Easter), was about 23,000.

For years, JW were imprisoned as conscientious objectors to military service but after the judgment of the European Court of Human Rights in the case *Bayatyan v. Armenia*<sup>60</sup>, a genuine civilian service under civilian supervision was finally introduced.

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<sup>59</sup> Website of US Embassy of Armenia [http://armenia.usembassy.gov/irf2009\\_arm.html](http://armenia.usembassy.gov/irf2009_arm.html)).

<sup>60</sup> See the court decision at <http://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=340>

However, a number of problems concerning JW still need to be resolved.

***Armenian authorities allowed forcible arrest of conscientious objector Artur Avanesyan***

On 14<sup>th</sup> July 2014, Artur Avanesyan was arrested in Armenia and sent to Nagorno-Karabakh to be held in pre-trial detention. What led up to this arrest?

On 30<sup>th</sup> January 2014, he filed an application with the Nagorno-Karabakh authorities stating that he was a JW and that his conscience does not allow him to perform military service but that he was ready and willing to perform alternative civilian service.

On 13<sup>th</sup> February 2014, he filed a similar application with Armenian authorities. With no notice to Mr Avanesyan, a Nagorno-Karabakh court held a hearing. On 14<sup>th</sup> March 2014 it issued a search warrant and ordered pre-trial detention.

On 30<sup>th</sup> September 2014, the court convicted Mr Avanesyan and sentenced him to a 30-month prison term. He has appealed to the Supreme Court to overturn that detention order and is waiting for its decision.

***Refusal to issue construction permits***

Jehovah's Witnesses own three properties in Yerevan on which they wish to build places of worship (Kingdom Halls). However, city officials have declared that "the building of places of worship in inhabited areas is not advisable" due to complaints from neighbors and so have refused to issue building permits to the JW, although other religious religions have obtained permission to build places of worship throughout Yerevan. In April 2013 JW filed a complaint against Yerevan's mayor's office with the Administrative Court.

On 27<sup>th</sup> February 2014, the trial began against the mayor's office but no verdict was reached. On 5<sup>th</sup> June, the judge reopened the case on the basis of a motion submitted by the mayor's office to present "additional evidence".

On 1<sup>st</sup> December, the Administrative court rejected the JW appeal.

On 7<sup>th</sup> May, the Appeal Court was scheduled to be heard.

***Interference with import of literature***

Since 2007 JW have experienced difficulties in exercising their constitutional rights to import religious literature – including Bibles, books, periodicals and DVDs – pertaining to the worship and religious education of thousands of their members in Armenia. This religious literature is produced by JW in the United States, Germany and Britain and, as is the case worldwide, is provided to their co-believers in Armenia without charge or other remuneration. The Armenian government, however, treats their religious literature as if it was commercially produced and sold for profit rather than recognizing the reality that the literature is provided to JW in Armenia without charge. When donated literature is imported into Armenia, customs officials impose an arbitrary and grossly inflated value which approximates the price that magazines and books are sold to profit in Armenia. This arbitrary valuation requires their organization in Armenia to overpay the VAT.

### *Complaints at the European Court of Human Rights*

Having exhausted legal remedies in the Armenian courts, JW filed an application with the European Court of Human Rights in May 2010 regarding this issue.

On 9<sup>th</sup> January 2014, a second application on the same issue of excessive and arbitrary customs value imposed on the import of religious literature was filed with the European Court of Human Rights. This case raises the same issues as the pending application *Christian Religious Organization of Jehovah's Witnesses v. Armenia* (25103/10, 3 May 2010). In the present application, the organization of JW in Armenia applied to the Armenian authorities for a declaration that it is exempt from VAT on receipts of gifts, including its donated religious literature, as is expressly provided for in Article 12(2) of the Law on Freedom of Conscience and Religious Organizations. The application was summarily dismissed and the organization was ordered to pay VAT based on grossly inflated customs values imposed by the Armenian authorities that had no basis in fact or in law. This has imposed an onerous and unreasonable financial burden on the JW organization's non-profit religious practice, thereby interfering with its religious freedom.

### *Excessive taxation on sale of donated real estate*

The State Revenue Committee (SRC) imposed exorbitant VAT on the sale of property donated to the organization of JW in Armenia. This excessive taxation is discriminatory because it is not imposed on the Apostolic Church of Armenia, the state church in Armenia.

On 12<sup>th</sup> April 2013, a claim appeal was filed with the Administrative Court over the imposition of VAT.

On 18<sup>th</sup> February 2014, the Administrative Court rejected the claim.

On 17<sup>th</sup> March 2014, an appeal was filed to the Court of Appeals on the decision of the Administrative Court.

On 10<sup>th</sup> September 2014, the Court of Appeal rejected the JW appeal.

On 12<sup>th</sup> November 2014, the Cassation Court rejected the JW appeal.

### *Objectives of JW in Armenia*

JW in Armenia request the government of Armenia to

- issue construction permits for the building of houses of worship in Yerevan;
- cease the arbitrary imposition of exorbitant custom values on the import of religious literature to be used for their worship or distributed free of charge by JW and others;
- compensate JW for the payments made to import their religious literature;
- expedite the release of Artur Avanesyan from prison in Nagorno-Karabakh since Armenian authorities allowed his forcible arrest and transfer to Nagorno-Karabakh.

**Source:** Christian Religious Organization of Jehovah's Witnesses in the Republic of Armenia.

## ANNEX

### **Scientific research failed for religious motives: The Church intervenes into science**

**By Sara Khojoyan<sup>61</sup>**

The former lecturer at Pedagogical University is not planning to defend her thesis once again; she is convinced that the Scientific Council is not judging by the concepts covered in the latter but by her religious belief because the authorities at Armenian Apostolic Church have interfered in the work of the Council.

“Of this I’ve been informed by from certain sources”, says the 40-year-old Armine Davtyan a year after the termination of her thesis defense entitled “The features of spiritual education of high school students”.

The majority of the Scientific Council formed at Pedagogical University, the 12 out of 7 voted against Davtyan’s dissertation rejecting to grant her a degree. Earlier on Davtyan was practically fired from her job that according to the leadership of the university had happened because of Department reorganization, whereas the woman insists that the real reason behind her dismissal was her thesis and the educational issues raised in it.

“Although I continued to work only in the frames of a common project with Finland’s Oulu University to finish the responsible program of professorial trainings assigned to me, even that fact wasn’t considered a reason for the leadership to review their decision.”

Davtyan says that the opinion of the representative of Apostolic Church, the Director of the Center for Christian Education Vardan Rev. Abbot Navasardyan regarding her work which he considered non-scientific, had initially outlined the attitude of other people comprised in the process of defense.

“Neither from legal nor from scientific ethics’ perspective it could have had played role in the defense of a scientific research but the president of the council and the secretary had also included it into the opinions”, mentions the former lecturer who is planning to defend the research outside of Armenia.

“I have additionally presented the scientific theses of my research to several scientific institutions at National Academy of Sciences of RF and the State Linguistic University of Novgorod; I have received offers to defend it in RF or in Ukraine and currently I’m busy with translating it.”

A year ago *Freedom of Conscience* was present at Davtyan’s dissertation defense when the opponents perceived propaganda in her work but didn’t ground it whereas the Vice Minister of Education and Science had assessed it as invaluable.

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<sup>61</sup> This article was published by the Helsinki Committee of Armenia on their website (<http://kron.armhels.com/?p=900&lang=en>) and in their bilingual report “Community and the Country” authored by Vahan Ishkanyan, Sara Khojoyan and Meri Yeranosyan, and published in 2014 with the financial support of the Canada Fund for Local Initiatives.

During the defense the accents were rather on the research containing propaganda than the content and the innovation.

One of the opinions was expressed by the Theology Department of Yerevan State University that during the Soviet years operated as the Department of Atheism.

“When in the May of 2012 the research was sent to the Theology Department I insisted that my work had no connection with the Department of the History of the Church,” says Davtyan. “But nobody listened to me and nobody paid attention to that circumstance. During the first defense that opinion was canceled since it was qualified as “something popular”; there was even a suggestion to send a comment to the Theology Department regarding the expression of such a non-professional opinion, and during the last defense it was recited; suddenly it became “a very good opinion”.

During the eleven years of working on her thesis dissertation she was reassured that in Armenia in general and in Pedagogical University in particular “the spiritual is identified with the religious and the religious with the Apostolic Church”.

Entering the Pedagogical University as a PhD. candidate 5 years later Davtyan had proposed her scientific research for a pre-defense and she had received a positive conclusion.

Because of improper regulations and procedures the public defense was postponed for 3 years, then again for the pre-defense and 11 years later proposed for defense.

On the dissertation defense day, the 28 February 2013, when Davtyan was presenting her formulation and the concept of spiritual education, the doctor of Pedagogical Sciences, professor Aram Abrahamyan was the first to react:

“The agitation provided by you is comprehensible for us. Could you please provide an example of a lesson, what do you concretely do, what is the education you provide to the students?” asked Abrahamyan interrupting Davtyan.

The presence of propagandist elements was also pointed out by the Department of Pedagogy at YSU: “there’s an impression that the researcher rather strives for a new teaching of biblical topics”, and it concluded that “the propagandist trends are written into” the work but they hadn’t underlined any particular example.

The same trend was remarkable in the opinion from the Department of Theology; “Indeed it’s inappropriate that the author’s subjective religious denominational (the individual branches of Christian denominations) preferences were displayed in an impartial research, but it must have also been expressed reluctantly”, as well as “but that doesn’t mean that a religious preaching is permissible at primary school”.

The head of Department of Pedagogic Theory and Common Pedagogy at YSPU Laura Asatryan noted during the defense that she’s wasn’t familiar with “what pretext the work beheld or people anyhow saw beneath it”.

Davtyan responds to the criticism directed towards her at *Freedom of Conscience*. “They were searching for a pretext. I am not a member of any religious organization; I’ve studied and

dealt with numerous organizations since I'm a researcher. I'm not denying that the scientific approach that I've applied is perhaps close to the views of protestant theology that appear rather logical to me from the scientific perspective although I have developed my concept based on Catholic and Orthodox theologian-philosophers."

Still she admits that the 15-year study of Armenian and world experience in spiritual education could have had an impact on her views and the development of her outlook.

However, I do not set a task of teaching faith, I behold faith as a value among such values as hope, faith, love. They behold the spiritual education as a teaching of faith, and I say the pedagog does not teach faith, faith is in the human and the one responsible for it is the family; our task as pedagogs should be orienting that faith towards the moral."

The dissertation and the choice of the topic had received a positive assessment from the Vice Minister of Education and Science who was also present at the defense. He noticed, "the work has an inestimable value".

"Davtyan had dared to pick a topic that everyone was avoiding especially those expressing negative opinions. In fact it was us at the ministry or you at the university who should have had initiated that research; since Armenia is a secular state and it is us who should have studied what system of values our children are shaped through at school", Mkrtchyan mentioned at the defense.

Another positive opinion was expressed by the Senior Researcher at Matenadaran, the Candidate of Philological Sciences and the former editor of "Ejmiatsin" magazine Vardan Devrikyan:

"According to the speaker's definition, in the matter of "identification of factors contributing to the construction of a unified educational environment" spiritual education as a concept encompassing different components demarcates the religious or clerical upbringing from education so that the school wasn't turned into an arena of theological disputes or disruptions."

"It is very important that the results of the methodology are already present in the annex: the programs and games developed for the school children, the efforts of subjecting the different examples from literature and history to the needs of spiritual education", the opinion continues.

And finally, if a person has some religious views then does it mean she shouldn't engage in research activities and express her subjective opinion in that research?" Davtyan wonders.

Turns out no and the evidence is that my research caused my dismissal. They can tell that the contract wasn't extended due to the lack of job positions but that's not true. They have even accepted new and inexperienced staff after I left and people who have lower indicators both in terms of age and scientific experience continue to work there."

"My application to provide me with credit hours of social pedagogy was rejected due to "the lack of credit hours in Social Pedagogy". However all the credit hours for Social pedagogy were maintained and other specialists are now reading the course."

The Head of Department of Pedagogic Theory and the History of Pedagogy Laura Asatryan told *Freedom of Conscience* that she didn't find anything bizarre in the failure of Davtyan's defense and the termination of her work contract extension:

“When she was presenting I felt that the work had a particular religious orientation – it's not about the issues of spiritual education but something else. Moral education doesn't concern religion as she expects. I find that she's a well-educated woman but I'm not aware of what directions and what examples she had passed to them [the opinion-writers]. She has no right to make changes (A new order in PhD thesis defense procedure). For that reason alone the defense should have had been stopped.”

Davtyan, however, is assured the accusations in making changes in the research were made in order to hide their own omissions.

“During the defense I was accused in making changes in the work, introducing some kind of propagandist pretext so they could have covered up their own omissions. I consider that a low-level defamation. I have facts that confirm that there were no conceptual or ideological changes made. They are enlisted in the conclusions of the 2 pre-defenses that were signed by the same Laura Asatryan.”

A citation from the thesis: “And the family types are nowadays numerous, including religious and various denominational affiliations. The school is faced with a difficult problem because the children and the teachers of different types, belief, social standing and from different types of families gather here. The development of a common moral-spiritual education system is needed. It would facilitate the dialog and cohabitation of people with different worldviews. It should have an ideology completing the national and universal values. Their input is invariably carried out in the process of spiritual education.”

## **CHAPTER IX: Rights of the Child**

Under international human rights law, the Convention on the Rights of the Child and other human rights instruments, states have an obligation to enact legislation to prohibit corporal punishment in all settings, including in the home.

In Armenia, corporal punishment of children is unlawful in schools and in the penal system but it is not prohibited in the home, and there is no explicit prohibition in non-institutional care settings and in day care.

In schools and in penal institutions, corporal punishment is considered unlawful. Article 49(2) of the 1999 Law on Education prohibits teaching methods that use physical or mental pressure. The Law on the Treatment of Arrestees and Detainees 2002 prohibits physical violence and inhuman or degrading actions. Under the Penitentiary Code, the execution of a sentence must not be accompanied by physical violence or degrading treatment and no person sentenced to deprivation of liberty shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

In all early childhood care and day care for older children, there is no explicit prohibition of corporal punishment. It is possibly considered unlawful in preschool settings under the 1999 Law on Education.

In alternative care settings, there is no explicit prohibition. The 2002 Law “On social protection of children deprived of parental care” does not explicitly prohibit corporal punishment and it is not interpreted as prohibiting corporal punishment in non-institutional forms of care.

There is no provision for judicial corporal punishment in criminal law.

### **A. Corporal punishment in institutions, a report of the Helsinki Committee in Armenia<sup>62</sup>**

“The top priority task of the local and international organizations that are engaged in Armenia in protection of the rights of the child is prevention of violence against children in all types of institutions (public, special, care and protection, and orphanages). The reports produced by local and international organizations state that in Armenia violence against children still goes on. It is noteworthy that various forms of violence are used (physical, psychological, sexual, neglect); children are also subjected to discrimination<sup>63</sup> .

“8,000 children with disabilities are registered in Armenia. That number constitutes one percent of all children in the country. They are still a group isolated from the society at large<sup>64</sup> .

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<sup>62</sup> <http://armhels.com/wp-content/uploads/2015/02/Ditord-69-Eng.pdf>

<sup>63</sup> <http://armhels.com/wp-content/uploads/2013/07/Zekuic-ARMENG.pdf>

<sup>64</sup> [http://unicef.am/uploads/file/Final\\_Civiltas\\_UNICEFarm.pdf](http://unicef.am/uploads/file/Final_Civiltas_UNICEFarm.pdf)

“13% of children with disabilities live in institutions, 18 percent do not attend school, 77 percent do not receive any rehabilitation services, while one-third of those children do not participate in any community event.

“The findings of the monitoring conducted in 22 special education institutions (SEIs) under the Ministry of Education and Science (MoES) and the Ministry of Territorial Administration (MOTA) (with 10 institutions being under MoES and 12 under MOTA) are presented in the *Special Educational Institutions Monitoring Report, 2013*<sup>65</sup>. The monitoring was conducted by the civic observers group approved by the 16 December 2009 Order N 1071-A/K of the RoA Minister of Education and Science.

“The report presents all violations of the rights of children in special education institutions. Children are subjected to psychological and physical abuse, neglect and exploitation.

“The study findings revealed that children from socially vulnerable families make up a large share of the children that live and receive education in SEIs. In fact, those children should have been sent to care and protection institutions because SEIs are intended only for children with special educational needs. The underlying reasons are *not adequate assessment standards* used by the agencies that refer children to SEIs or desire to secure a larger number of children for those institutions (*since SEIs are funded according to the number of children in them, so principals are interested and use various methods to get a greater number of children*).

“According to the report, instances of physical and psychological violence occur in SEIs. Acts of violence are committed not only by educational staff (*usually the deputy principal for educational matters, physical education teacher or military training teacher, etc.*) but in many cases also by support staff of those institutions (*nursemaid, guard, and stockkeeper*). The climate of fear is obvious when you talk to children in SEIs. They are usually unwilling to talk; they do not speak out; they do not want to show their discontent. If you ask them about what they want, their cherished dream is to live with parents or to maintain a constant contact with relatives.

“The main disciplinary methods used by the SEI staff or the methods of punishment that they mete out to children displaying a "disorderly conduct" are chiding them, intimidating or insulting them or resorting to various forms of violence. The list of punishment methods in all institutions is quite long and diverse, such as making children stand in the corner of the room, shouting at and beating them, and boxing their ears. The use of swear words, keeping children in a dark place and even expelling them from the institution is not a rare occurrence; neither are non-standards forms such as disregard of children in the classroom, not returning their greeting, giving a low grade, not letting them visit a psychologist, use a computer or play a favorite game or even denying them a meal or giving them more assignments for homework. Children are most hurt by the staff members' words that stigmatize them or their parents.

“It is a common occurrence in all institutions that children's basic needs are disregarded (e.g. indifference towards regular medical examination of children, disregard of children's opinion as well as non-consideration of their food, clothing and leisure time preferences.

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<sup>65</sup> <http://armhels.com/wp-content/uploads/2014/09/monitoring.pdf>

“The report also addresses the institutions' material conditions. It was found that material conditions are far from those in family homes (bedrooms are overcrowded, water closets are in an unhygienic condition, playrooms are primarily equipped with toys and games that are not in line with children's age, dining halls and food storerooms do not have sufficient amount of required foodstuffs, etc.).

“Students' individual development plans are a mere formality. Among the specialists working in SEIs there are many who have not taken training courses in child care and child development, while topics for training sessions are not always chosen taking into account the educational needs of the staff.

“The primary task of SEIs is to ensure that children enjoy the right to education. However, it can be argued that children with special educational needs do not get proper education (most of them are illiterate). The obligation to ensure the children's right to health is neglected as children do not get an adequate medical treatment and rehabilitation. The institutions do not have clear guidelines and procedures for staff that would regulate relations with children and moral instruction-related activities. A relevant national referral procedure for protection from violence is non-existent, thereby contributing to an increase in violence.

“An Appendix to the report mentioned an instance of violence against and exploitation of child labor in one of the SEIs. The employees of the institution subjected the child to beating and held him in a basement. Members of the Observers' Group applied to the Minister of Territorial Administration in connection with the incident and notified the police. No one was held responsible, as a result. During the next meeting with the members of the Observers' Group the child in question and his parent asked the Group to no longer bring up that issue to public attention. They said, "We complained and ended up having more problems; it is better to remain silent ..."

***“Thus, a conclusion can be drawn that children in those facilities are not protected from all forms of violence, abuse or neglect, while the bad treatment that they are subjected to has negative repercussions on their psychological state, thereby causing a variety of problems for children.***

“The group intended to conduct monitoring also in orphanages and institutions of care and protection operating under the Ministry of Labor and Social Affairs (MLSA); however, the MLSA did not give its permission. In its report on the monitoring conducted in 2012<sup>66</sup> the Group presented the facts and egregious violations that had been discovered in the institutions under that Ministry. The violations committed in the care institution in the town of Byureghavan received significant public response. It is noteworthy that on the basis of media reports the police launched a criminal investigation against the principal of the Byureghavan boarding school on charges of embezzlement or misuse of funds through the abuse of official power. He was arrested on charges of embezzling a large amount of money<sup>67</sup>.

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<sup>66</sup> <http://armhels.com/wp-content/uploads/2013/07/Zekuic-ARMENG.pdf/>

<sup>67</sup> <http://hetq.am/arm/news/57543/byurexavani-gisherotikdproci-nakhkin-tnoreny-kalanavorvel-e-khoshor-chaperov-gumar-yuracnelu-mexadranqov.html/>

<http://armhels.com/2014/04/11/gisherotiki-sany-hastatum-e-erexaneri-ccici-entarkvelu-masin-texekutyunnery/>

“Helsinki Committee of Armenia pays much attention also to the issue of children's absenteeism from school. For the most part those children do not attend school owing to the family's bad socioeconomic situation and poverty. They drop out of school to pick up a job and thus provide for their families. In the country's regions it is mostly children with disability who do not attend school because general-education schools are not adapted to their needs, while special education institutions are inaccessible because they are located far from those children's homes. Another reason is that many parents do not want to notify relevant entities that their children have disability<sup>68</sup>.

“Poverty and malnutrition of children are the main reasons why they are deprived of the right to education. In many cases, poor families pull out their children out of school only to send them to work; many [parents] coax children into begging. Besides, children are exposed to violence also at home,” Anna Safarian, a staff member of the Human Rights Ombudsman's Office, said in an interview to Tert.am.

“Vahan Tumasyan, a head of Shirak Center in Gyumri, points out that malnutrition is a number one problem for children in Gyumri as are the problems of education and homelessness. He also notes that it is for the most part single mothers who live in temporary housing and that many children do not continue their education and after they graduate from a secondary school. Those responsible for children's rights, such as custody and guardianship authorities, do not adequately protect children's rights<sup>69</sup>.

“Only 10 percent of general-education schools in Armenia are officially recognized as inclusive. However, many schools that have been designated as inclusive are in fact not adapted for children with disabilities.

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<sup>68</sup> <http://armhels.com/2014/11/04/kwshik-chuni-dproc-chignum/>

<sup>69</sup> <http://armhels.com/2014/06/02/axqatutyun-tersnvatsutyun-hay-manukneri-himnakan-xndirneri/>  
<http://armhels.com/2014/04/17/8-amy-a-aghjnaky-dprocchi-hachaxum-noracinn-el-vkayakan-chuni/>

## CHAPTER IX: Violence against Women

In Armenia, domestic violence in its various forms is a source of great concern. Indeed, violations of human dignity, physical and psychological abuse, sexual harassment, domestic violence, as well as discrimination and hate speech by private and public actors, and lack of appropriate response by state institutions to effectively address these violations have created a culture of impunity in the country. Recent reports were published about this issue: a collective submission of Armenian NGOs to the UN Universal Periodic Review (2014) and the report of Nils Muiznieks, CoE Commissioner for Human Rights (2015).

### A. Submission of Armenian NGOs to the Universal Periodic Review

#### Domestic Violence

Discrimination against women is one of the most pressing issues in Armenia. The widespread discrimination against women in the economic, political, social, and other spheres of Armenian society is accompanied by a common acceptance of domestic violence. Armenia ranking in matter of gender issues is amongst the lowest in the world<sup>70</sup>. The numbers of cases of domestic violence reported by non-governmental organizations<sup>71</sup> shows the lack of awareness and understanding of “illegality” of domestic violence issue<sup>72</sup>.

The lack of legislation, lack knowledge among law enforcement agencies, lack of monitoring mechanism as well as cultural acceptance are major problems that contributing to the existing widespread violations. Hence, to effectively address violence against women it is crucial that the government designs programs to deal with cultural acceptance. Such programs should include awareness campaigns, collect gender-sensitive data and adopts legislative measure. Furthermore it is highly important that police, prosecutors, judges, and counselors received adequate gender sensitive training.

Armenia is a signatory to the Convention on the Elimination of all Forms of Violence against Women (CEDAW). In addition, in 2011 the government of Armenia developed a Gender Policy Action Plan 2011-2015<sup>73</sup> to improve the rights of women in the country, including the creation of a Council on Women’s Affairs. However, those policies are yet to be implemented. As an example, the government has failed to establish ad hoc programmes for

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<sup>70</sup> The “Global Gender Gap Report 2013”, Published by the World Economic Forum, ranks Armenia 94 out of 136 countries in gender equality. The report ranks the Existence of legislation punishing acts of violence against women in case of domestic violence in Armenia as 0.75 (where 0 = best, 1 = worst).

<sup>71</sup> There were 8012 hotline calls for domestic violence during 2011-2013 Sept.; 766 recorded cases of domestic violence in 2012[3] and 586 in 2013 (an unofficial estimate done by the civil society sector accounts for approximately 2000 cases annually). The number of deaths resulting from domestic violence are on the rise with 6 women already dead in the first quarter of 2014 and a total of 17 dead during 2012-2014, Coalition to stop violence against women.

<sup>72</sup> See 2. One example is Hasmik Khachatryan’s case of domestic violence. Available at: <http://www.epress.am/en/2014/02/25/he-put-out-his-cigarette-on-my-hand-says-domestic-violence-victim-in-court.html>

<sup>73</sup> Republic of Armenia Gender Policy Strategic Action Plan for 2011-2015. Retrieved from [http://www.un.am/res/Gender%20TG%20docs/national/2011-2015\\_Gender%20Policy\\_NAP-Eng.pdf](http://www.un.am/res/Gender%20TG%20docs/national/2011-2015_Gender%20Policy_NAP-Eng.pdf)

the protection and reintegration of survivors of violence. This has further enforced and continues to contribute to a culture of impunity.

As recommended in course of the previous Armenian UPR, a *Law on the prevention of domestic violence* was drafted by the government in cooperation with non-governmental organisations in 2009 and was presented to the Armenian Government in 2010. The proposed draft legislation included preventive measures to reduce the number of criminal cases related to domestic violence through the establishment of a referral and protection mechanism throughout the country such as establishing hotlines and allocation of premises to shelter victims and other services. However, Armenian Government rejected the Law on domestic violence in January 2014.

## **Other Forms of Violence**

### ***Gender imbalance among officers and its consequence***

In Armenia, most women victims of violence do not want to have any contact with law enforcement agencies due to fear and lack of trust in the system. Gender imbalance and particularly lack of female officers and investigators in the police is a major problem.

Despite a considerable presence of female officers within the police academy (approximately 20%), women are employed either as administrative (clerical) or high ranked officials, but there is a lack of female police officers to assist women's victims when filing a complaint. This is a particular challenge when female survivors of sexual violence are forced to report to male officers.

Additional issues are the lack of professionalism and gender sensitiveness of male police officials. As an example, women's victims of sexual violence are often subjected to stigmatization and blamed by male officers for their dressing code or their behavior when filing a complaint of sexual violence. Hence it is crucial that the government adapts policies to address the gender imbalance in the police force and ensures appropriate training for law enforcement officials. The problem of gender imbalance of police officers and investigators is more serious in rural and small areas, where often the perpetrators and the police enforcement authorities are friends, neighbors or have mutual relatives, making impossible for the victim to achieve justice.

### ***Women under arrest at the police***

The absence of gender mainstreaming within the Armenian legislation also reflects in the conditions of detention of women. In 2006 a Public Observers Group of the Detention Facilities of the Police of the Republic of Armenia was established by several non-governmental organizations<sup>74</sup> to monitor women detention centers. In a report submitted the group limited compliance with international standards, including lack of hot water in women's cells and absence of female officers to deal with female detainees. Due to the lack of female personnel within the detention centers, external female police officers are hired to conduct the cells' monitoring of women in detentions, in violations of the regulation of the detentions centers. According to security regulations, male officers have to watch detainees,

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<sup>74</sup> More information at: <http://policemonitoring.org>

including women, in the toilets and bathrooms too (through special windows) and this causes great discomfort and stress to women detainees<sup>75</sup>.

### *Women sex workers as targets of police abuse*

In Armenia, a particular group of women namely female sex workers are subjected to violence and degrading treatments by law enforcement officials. The phenomenon of violence and degrading treatment of women involved in sex work occurs frequently among police forces. According to relevant Armenian legislation, police officials have the obligation to bring person suffering from infectious and sexually transmittable diseases to medical institutions for mandatory medical tests<sup>76</sup>, in order to prevent to diffusion of the diseases. This procedure is usually accompanied by physical and psychological violence against the sex workers, including violence, insults and derogatory statements. The regulation contained in RA Law on Police to “bring persons suffering from infectious diseases to medical institutions in order to prevent the spread of infectious diseases” charges police officers with the responsibility to deal with any persons that presumably can contribute to spread infectious diseases in society. The regulation is applied in a discriminatory and discretionary way, and it particularly affects women sex workers, which are considered as the responsible for spreading sexually transmittable diseases (STI) and other infections amongst society.

So far, no appropriate steps have been taken to tackle this issue through litigation, as the victims of maltreatment and harassments refuse to file a complaint due to the fear of repercussions and revenge by the police.

## **B. Report of Nils Muiznieks, CoE Commissioner for Human Rights**

On 10<sup>th</sup> March 2015, Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, published a report<sup>77</sup> following his visit to Armenia from 5<sup>th</sup> to 9<sup>th</sup> October 2014. A section of it was devoted to violence against women.

### **Excerpt from the Report**

#### *Violence against women and domestic violence*

119. The Commissioner recalls that violence against women, including domestic violence, is a major concern in Europe and a human rights violation that affects all Council of Europe member states, including Armenia. The unresponsiveness of state institutions to women reporting cases of violence, in particular the lack of sensitivity and proper treatment of women victims of violence by police as well as inadequate victim support, contribute to the persistence of this phenomenon.<sup>78</sup>

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<sup>75</sup> <http://www.mdx.ac.uk/Assets/EHRAC%20Winter%20Bulletin%202013%20ENG%20WEB.pdf>

<sup>76</sup> Article 22.3, “Law on Police” of the Republic of Armenia

<sup>77</sup> See full report at

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2744704&SecMode=1&DocId=2243332&Usage=2>

<sup>78</sup> Fighting violence against women must become a top priority, Human Rights Comment of the Commissioner for Human Rights, 29 July 2014.

120. According to the Council of Europe Convention on preventing and combating violence against women and domestic violence<sup>79</sup> (the Convention on violence against women), “violence against women” is understood as a violation of human rights and a form of discrimination against women and includes all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Although perpetrators and victims of domestic violence may be either men or women, in the vast majority of cases it is women who are exposed to violence at the hands of men, thereby making it a gender-based phenomenon where women are disproportionately affected. Women and girls are also the primary victims of sexual violence. Consequently, violence against women is regarded as a form of discrimination and an expression of gender inequalities, the subordinate position of women and patriarchal stereotypes and attitudes. The Preamble of the Convention on violence against women recognises that “violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women”.

121. The Convention further provides that “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. “Gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.

122. The Convention also addresses stalking, sexual violence including rape, forced marriage, female genital mutilation, forced abortion and forced sterilisation, and sexual harassment<sup>80</sup>.

123. During his visit to Armenia, the Commissioner discussed in particular violence against women occurring in the family.

### ***Extent and forms of domestic violence in Armenia***

124. Although many of the Commissioner’s interlocutors acknowledged that domestic violence was an issue in Armenia, it appears that there is a lack of consensus about the prevalence and seriousness of the phenomenon in the country. This is partly due to the low – albeit increasing - level of reporting of incidents of violence in the family. Domestic violence is seen as a private matter and raising it outside the family sphere is considered shameful. Women who voice complaints or attempt to escape a violent situation are generally perceived as endangering family unity and stability. Under the guise of preserving the family, acts of violence, which mostly affect women and children, remain unaddressed. The Commissioner wants to stress that, as for any other human rights violation, it is important that the state and the society protect members of the family who suffer violence and bring the perpetrators to account.

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<sup>79</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, Articles 3a, 3b, 3d.

<sup>80</sup> See Articles 33, 34, 35, 36, 37, 38, 39 and 40 of the Convention.

125. The Commissioner is concerned about the social attitudes accepting and justifying violence against women in some cases, thereby contributing to shield perpetrators from accountability. He was informed that a number of political leaders, including parliamentarians, have denied the problem of domestic violence in Armenia and even justified it in some cases. The Commissioner systematically raised this issue with his official interlocutors at national level and encouraged them to send a clear message of “zero tolerance” for violence against women.

126. There have been a number of surveys on domestic violence in Armenia. In its 2008 report on family violence in Armenia, Amnesty International found that over a quarter of women in Armenia may at some time experience physical violence at the hands of husbands or other family members, with much higher figures reported for psychological forms of violence<sup>81</sup>. The main forms of violence documented by the report were the following: psychological violence; isolation and control; physical violence; sexual violence including marital rape; and sexual harassment, which is believed to be widespread in the workplace.

127. According to a 2011 survey conducted by the National Statistical Service of Armenia and the UNFPA<sup>82</sup>, 8.9% of women taking part in the survey experienced at least one form of physical violence by an intimate partner<sup>83</sup>. The survey revealed that most instances of physical violence against women are committed in the family<sup>84</sup>. It also notes that 25% of women reported having been subjected to at least one form of psychological violence<sup>85</sup>, and 3.3% admitted having experienced at least one form of sexual violence by their intimate partner<sup>86</sup>. Further, 61.7% of the surveyed women reported having endured some form of controlling behavior by an intimate partner - through restricting contacts with family and friends, controlling movement or any undertaking outside the household, or making a woman seeking permission for accessing health services<sup>87</sup>. The survey also tackles forms of economic violence against women such as economic disempowerment, including economic deprivation (e.g. withholding of money, confiscation of earnings and savings, forbidding a woman to work).

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<sup>81</sup> No pride in silence : countering violence in the family in Armenia, Amnesty International, 2008, p.3

<sup>82</sup> The survey was conducted amongst 4720 households and took place in 2008.

<sup>83</sup> Forms of physical violence referred to: slapping or throwing something that could hurt, pushing or shoving or pulling hair; hitting with fist or something else that could hurt; kicking, dragging or beating up; choking or burning on purpose; threatening to use or using a gun, knife or weapon against a woman.

<sup>84</sup> Nationwide survey on domestic violence against women in Armenia, National Statistical Service of the Republic of Armenia, UNFPA “Combatting Gender-Based Violence in the South Caucasus” Project, Yerevan, 2011, pp. 41-45.

<sup>85</sup> Forms of psychological violence referred to: insults, belittling or humiliation in front of others, attempts to scare or intimidate, threatening to hurt a woman or someone she cares about, including children. Nationwide survey on domestic violence against women in Armenia, National Statistical Service of the Republic of Armenia, UNFPA “Combatting Gender-Based Violence in the South Caucasus” Project, Yerevan, 2011, pages 32-37.

<sup>86</sup> Main forms of sexual violence referred to: physically forcing a woman to have sexual intercourse when she does not want to; engaging in a sexual intercourse out of fear of what the partner might do; forcing a woman to do something sexual that she finds degrading and humiliating. Nationwide survey on domestic violence against women in Armenia, National Statistical Service of the Republic of Armenia, UNFPA “Combatting Gender-Based Violence in the South Caucasus” Project, Yerevan, 2011, pages 45-50.

<sup>87</sup> Nationwide survey on domestic violence against women in Armenia, National Statistical Service of the Republic of Armenia, UNFPA “Combatting Gender-Based Violence in the South Caucasus” Project, Yerevan, 2011, pages 37-41.

128. Another survey on domestic violence released in 2011 by the NGO Proactive Society with the support of the OSCE Office in Yerevan revealed that 59.6% of the respondents have been subjected to domestic violence during their lifetime<sup>88</sup>.

129. According to the data provided by the Armenian Police Service, 2054 cases of violence against women, including 580 cases of domestic violence, were recorded in 2013. For the first nine months of 2014, the police gave the figure of 1759 cases of violence against women, including 428 cases of domestic violence. NGOs documented seven death cases resulting from domestic violence in 2013 and twelve in 2014.

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<sup>88</sup> Domestic violence survey in the Republic of Armenia, Proactive Society NGO, Yerevan, 2011, page 34.

## **CHAPTER XI: Human Rights Violations of LGBT People**

In Armenia, human rights violations against women and lesbian, gay, bisexual and transgender (LGBT) people have been a matter of great concern over the past four years.

Four Armenian NGOs - Public Information and Need of Knowledge (PINK), Society Without Violence, Women's Resource Center and Women's Support Center - united their efforts last year to send a submission to the UN Universal Periodic Review of Armenia due to take place in January 2015. The NGOs sought to denounce the worsening of the situation of the LGBT people since the President of Armenia unilaterally decided to move away from the EU Association Agreement and to join the Moscow-led Eurasian Union. This political move has hereby halted a promising legislative process in line with EU standards and led to alignment with "Eurasian values," as defined by Moscow.

### **A. Assessment by Four Armenian NGOs for the Universal Periodic Review**

#### **Equality and Non-Discrimination**

Discrimination based on sexual orientation and gender identity are widespread in all spheres of Armenian society, including the family, workplace, employment, in the service sector (i.e. educational institutions, healthcare institutions), the military and even law enforcement agencies. Discriminatory practices and biased attitude towards LGBT people have been mostly documented in healthcare institutions, police and the judiciary. According to a report medical personnel in healthcare institutions often refuse to assist LGBT patients, treating them less favorably than other patients or intentionally prescribe wrong treatment to them. Moreover, law enforcement personnel and prosecution officers often refuse to file claims submitted by transgender people.<sup>89</sup>

Despite the widespread discrimination and violations committed against LGBT persons, to date the Armenian government has failed to adopt legislation to protect and respect their human rights and particularly the right to adequate standard of living through access to basic services without discrimination. Despite being party to and bound by the major human rights agreements the government has failed to adopt any specific national legal provisions to ensure that international anti-discriminatory standards are applied to LGBT people. In fact, the government does not even recognize the applicability of these documents to LGBT persons. In late 2012 the office of Human Rights Defender of Armenia announced<sup>90</sup> its plans to draft a broad anti-discriminatory legislation prohibiting discrimination on all grounds, including based on sexual orientation and gender identity. However the initiative was soon suspended due to public pressure and other type of opposition, which remains unclear.

#### **Freedom of Opinion and Expression. Prohibition of Hate Speech**

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<sup>89</sup> "Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report 2012", submitted to the United Nations Human Rights Committee by The Heartland Alliance for Human Needs & Human Rights, ILGA-Europe: The European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, The George Washington University Law School International Human Rights Clinic and Public Information and Need of Knowledge NGO. Available at: [Http://www.pinkarmenia.org/publication/Armenia%20LGBT\\_ICCPR\\_2012\\_en.pdf](http://www.pinkarmenia.org/publication/Armenia%20LGBT_ICCPR_2012_en.pdf)

<sup>90</sup> "Ombudsman: the fight against discrimination is formal. A new law should be applied". Available at: [Http://www.ombuds.am/en/library/view\\_news/article/850](http://www.ombuds.am/en/library/view_news/article/850)

LGBT people usually become targets of hate speech both by private and public actors and the media have the unique role and interest in publicizing information that promotes and incite violence and discrimination against LGBT people. However, the media in Armenia frequently use LGBT issues as a medium to manipulate the public and cause tensions and disruption in the society. Consequently media have a key role in creating an atmosphere of intolerance against LGBT people in Armenia. Hence, it is the obligation of the state that particularly the state owned media do not engage in hate speech that would further discriminate against this vulnerable group. Nevertheless, on various occasions state officials publicly announced that they justify any illegal acts against LGBT people. One example of such incitement was made by the Vice spokesperson of the Armenian National Assembly, Mr. Eduard Sharmazanov who publicly stated that the attack carried out on 8 May 2013 on a gay-friendly bar in Yerevan was “completely right and justified”, and those who support the rights of LGBT Armenians “are perverting our society and defaming the Armenian national identity.”<sup>91</sup> Another parliamentarian, Artsvik Minasyan, stated that the young men who attacked the bar “acted in accordance with our society’s values and national ideology and in an appropriate manner.” He further called for a fight against the “spreading of homosexuality” as a “threat to national security”.<sup>92</sup>

Currently, there are no legal mechanisms available in Armenia to address cases of hate speech in a comprehensive manner that would include prohibition of such speech against LGBT people. The only legal provision that somehow deals with hate speech prohibits incitement of national, racial or religious hatred only<sup>93</sup>.

The homophobic stance of state representatives is not only expressed through hate speech, but also through legislative initiatives. In August 2013 the Armenian police department drafted supplements to the Criminal Code on Administrative Infringements to ban and fine “propaganda of non-traditional sexual relations” and submitted to the parliament for approval. The approval of the addendum is still pending.

### **Access to Justice and Effective Remedies: Prohibition of Bias (Hate) Crimes**

LGBT people have a restricted access to justice due to the lack of a legislation prohibiting discrimination based on sexual orientation and gender identity, particularly in justice and law enforcement institutions. Therefore, LGBT people lack a safe environment to file complaints when their rights are violated. Moreover, in many cases the perpetrators are police officers themselves, whom often times nullify the possibility of addressing human rights violations against LGBT people. Transgender people are regularly subjected to human rights violations by police enforcement authorities, including deprivation of liberty and arbitrary detention in police departments, accompanied by derogatory and violent treatment<sup>94</sup>.

Most of the human rights violations suffered by LGBT people, including physical and psychological violence are bias motivated, i.e. related to the sexual orientation or gender identity of a person. However, police and prosecution bodies, as well as judicial bodies, do

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<sup>91</sup> Armenia’s Homophobic Deputy Speaker Needs a Lesson in Christianity, available at :

<http://www.hrc.org/blog/entry/armenias-homophobic-deputy-speaker-needs-a-lesson-in-christianity>

<sup>92</sup> Armenia: A Blurry Line in Yerevan Between Hate Crime and Defense of “National Interests”, available at:

<http://www.eurasianet.org/node/65436>

<sup>93</sup> Article 226, Criminal Code of the Republic of Armenia, available at:

<http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng>

<sup>94</sup> Case study documented by PINK Armenia.

not consider the phobia against LGBT persons as serious motive to initiate a criminal investigation against a perpetrator. As an example, the abovementioned attack on a gay-friendly bar was investigated following damage to private property under the Criminal Code, while excluding any reference to hate crimes<sup>95</sup>.

According to the Criminal Code, hate crimes do not apply to cases relating to sexual orientation and gender identity. As a result the crimes committed against LGBT people have never been qualified as bias (hate) crimes, which also means that no effective remedies have ever been available for the victims.

### **Women's and LGBT Rights Organizations and Defenders at Stake**

Human rights defenders working on the protection and promotion of LGBT rights also face violence and attacks as a consequence of their work. Defamation and hate speeches are the main obstacles faced by human rights defenders advocating for LGBT and women's rights. On June 2013 the "Law on Equal Rights and Equal Opportunities for Men and Women", was adopted on May 20, 2013 following a majority vote in the National Assembly. The law defines the concept of "gender" as "acquired and socially prescribed behavior of people of different sex, social status of relations between a man and a woman, which is expressed in all spheres of public life."

However, following the adoption of this law, extremist groups started disseminating false information to the public while associating "gender equality" with homosexuality propaganda and pedophilia. This propaganda incited violent attacks against human rights organizations, youth organizations, human rights defenders, activists, and researchers covering gender-related and LGBT issues. The extremists did not stop with hate speech and aggression toward women's rights organizations; they also started to target individual members of the organizations and independent activists, including threats through fake virtual accounts, defamatory articles in media.

Women's rights defenders were called "traitors of the nation", "destroyers of families" and a "threat to Armenian values" and promoters of sexual abuse towards children and minors. One member of the Human Rights House Network, the Women Resource Centre Armenia (WRCA), has been victim of such threats and receiving calls slogans including, "blow up the Women's Resource Center" and "burn the women's human rights defenders" for raising gender issues and challenging gender stereotypes in the society. The Women Resource Centre Armenia has presented complaints with the evidences of such threats of terrorism against the Center to the Police, but no specific actions have been taken so far by the authorities to protect and support the women's rights defenders

A member of the National Assembly from the ruling party, Mr Babukhanyan, presented an official complaint against the Women's Resource Center and its defenders to the Prosecutor's General's office to investigate the organization's activities, accusing its members of promoting sexual deviation and homosexuality among under-aged girls. Although all these

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<sup>95</sup> Arson attack on Gay-Friendly Bar in Yerevan Raises Fears of Nationalist Extremism, available at: <http://araratmagazine.org/2012/05/arson-attack-on-gay-friendly-bar-in-yerevan-raises-fears-of-nationalist-extremism/>

allegations were unfounded, they created negative publicity for the organization, increasing hate towards them in society and threatening their freedom of assembly.

LGBT rights defenders regularly receive threats and acts of intimidation. On one occasion a LGBT rights defender was not allowed to speak at an international conference organized by a Armenian prominent political party. It was further explained that it was “due to concern for his security”. As a consequence of the severity of the threats this particular defender received private security as a precautionary measure<sup>96</sup>.

In the case of defamation the problem of the freedom of expression arises. In one of such cases a women rights organization reached the court acknowledgement of the defamation against it, but the parliamentary deputy, who was the chief editor of the media where the defamatory article was published, was not even sanctioned by disciplinary measures, even though the relevant complaint was presented to the ethics committee. Several cases of hate speech and threats through social networks towards women’s rights organization were also reported to the police. However, in this case the police expressed its inability to fight against such cybercrimes. The police later explained that limited technical means made it difficult to reveal and identify the real owner of the account.

When trying to defend their rights, women and LGBT rights defenders (both individuals and organizations) do not see any governmental concern about these issues. This alarming trend demonstrate that human rights defenders and their activities are not so welcomed by the state and that the defenders’ protection may be reached only by sustained pressure on responsible bodies to fulfill their obligations. It is hard to recall any situation when the state was an initiator of protection got these defenders.

The state has furthermore failed to publicly support the role the human rights organizations play in protecting human rights and contributing to the future welfare of the society. There are no legal mechanisms available to address the violation against human rights defenders in an adequate manner. Harassment against human rights defenders is associated with the activities they carry out, i.e. protection and promotion of human rights of women and LGBT people, for which no effective remedies are available in national legislation.

To sum, it is justified to state that human rights defenders of women and LGBT issues have to combat both violence against their beneficiaries and themselves as defenders and the state policy towards defender’s role importance and their rights protection is indeed very poor and non-integrated.

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<sup>96</sup> Situation of Human Rights Defenders in Armenia January 2011 – November 2012. Available at: <http://humanrightshouse.org/>

## **B. New Generation, Humanitarian NGO, Launches a Petition Against an Armenian Homophobic MP**

**Statement about the homophobic and intolerant public speech by the Armenian PM Naira Zohrabyan**  
May 5, 2015

We, the representatives of civil society, strongly condemn Naira Zhorabyan for her aggressive and discriminatory stand against the Armenian LGBT community. She is a parliamentarian of the Armenian National Assembly and the head of Bargavach Political Party.

On April 21, 2015, in the process of monitoring the Armenian mass media, it was noticed that Ms Zohrabyan, in her interview with LGBTnews.am, publicly announced she has always voted against any proposal for the protection of LGBT rights introduced at the Parliamentarian Assembly of the Council of Europe (PACE).

She particularly mentioned, “I will do anything possible in order to prohibit the spread of metastases in Armenia. I say this openly and publicly.”

It is apparent that Naira Zohrabyan has used her public position and power to reinforce Armenian stereotypes towards the marginalized LGBT population, stigmatizing them with even an unknown type of cancer and claiming that “LGBT people can spread the metastases among the Armenian society.”

Her statements in the interview are evidence of not only her discriminatory attitude towards the LGBT population, but also her power abuse as a parliamentarian who promotes hate and aggression towards the LGBT people both at national and international levels. This can only lead to irrevocable and devastating consequences.

We find that Naira Zohrabyan’s homophobic attitude to be impermissible and unacceptable taking into account her professional public position which heightens the dangerous consequences of her words.

In this regard, we demand:

### **From Parliament of RA:**

- To revise and re-admit the list of Armenian members of PACE;
- Present the case of Naira Zohrabyan’s Public Attitude to the disruption of the Ethics Committee of the National Assembly of RA.

### **From PACE:**

- Based on article 7, 17-21 of the Code of Conduct of the PACE members to demand explanation from Naira Zohrabyan.

### **From Naira Zohrabyan**

- As a representative of the National Assembly of Armenia to respect the fundamental human rights and freedoms stated by the Constitution of Armenia, international conventions and legislation;
- To publicly apologize for publicly delivered moral harm to the Armenian LGBT community.

**“New Generation” Humanitarian NGO**  
**“Guarantee” Center of Civil Society NGO**  
**Helsinki Citizens Assembly of Vanadzor NGO**  
**“Progress of Gyumri” Center of Civil Society**  
**Development NGO**  
**Partnership for Democracy” NGO**  
**“United Colors of Youth” NGO**  
**“Protection of Rights without borders” NGO**  
**FAVL NGO**  
**“Public Information and Need of Knowledge” NGO**  
**Women’s Support Center NGO**  
**“Peace Dialog” NGO**  
**“Real world, real people” NGO**  
**“We for Democracy” NGO**  
**“No Genocides” Civic Initiative team**  
**NGO Youth Organization Ida Noored (Estonia)**  
**Mission Aid and Development NPC (USA)**  
**Q-HYE` Derick Safarian (USA)**  
**Norwegian Helsinki Committee (Norway)**  
**Timur Abdullaev (Uzbekistan)**  
**Nver Hasratyan (USA)**  
**Attorney Gayane Khachatryan**  
**Sociologist Nane Bagratuny**

## CHAPTER XII: European Court of Human Rights

In the last few years, a number of decisions of the European Court contributed to modify the viewpoints and practices of Armenia.

### **Bayatyan v. Armenia (2011)**

In the Grand Chamber judgment concerning the case **Bayatyan v. Armenia** (application no. 23459/03), which is final, the European Court of Human Rights held, by a majority, that there had been:

**A violation of Article 9 (freedom of thought, conscience and religion)** of the European Convention on Human Rights.

The case concerned the conviction in 2003 of a conscientious objector - a Jehovah's Witness - for his refusal to perform military service. He was imprisoned despite Armenia's undertaking, when joining the Council of Europe on 25 January 2001, to introduce civilian service as an alternative to compulsory military service within three years and to pardon all conscientious objectors sentenced to imprisonment.

The applicant, Vahan Bayatyan, was an Armenian national, born in 1983. He was a Jehovah's Witness. Declared fit for military service when he was 17 years' old, Mr Bayatyan became eligible for the spring draft of 2001.

On 1<sup>st</sup> April 2001 he wrote to the General Prosecutor of Armenia, the Military Commissioner of Armenia and the Human Rights Commission of the National Assembly stating that, as a Christian, he could not do military service, but that he was prepared to do alternative civilian service. Aged 18, he was summoned to appear for military service on 15 May 2001, but failed to turn up.

On 29<sup>th</sup> May 2001 the Commission for State and Legal Affairs of the National Assembly informed him that, since there was no law in Armenia on alternative service, he was obliged to serve in the army, because both the Armenian Constitution and the Military Liability Act required every fit man aged between 18 and 27 to do military service. On 1<sup>st</sup> August 2001 criminal proceedings under Article 75 of the Criminal Code were brought against Mr Bayatyan for draft evasion.

In a judgment eventually upheld by the Court of Cassation in January 2003, Mr Bayatyan was convicted of draft evasion and sentenced to two-and-a-half years in prison. During his trial Mr Bayatyan asked again to do alternative civilian service, submitting that it would be more productive to do socially useful work than spend time in prison.

He was imprisoned and, in July 2003, he was released on parole, after having served about ten-and-a-half months of his sentence.

The Armenian Alternative Service Act, which provides for alternative civilian service for conscientious objectors, was passed on 17<sup>th</sup> December 2003 and entered into force on 1<sup>st</sup> July 2004.

Source: Registrar of the Court Press Release (07.07.2011)

### **Khachatryan and Others v. Armenia (2012)**

Applicants, 19 Jehovah's Witnesses, complained that the "alternative labour service" to which they were assigned because of their conscientious objection to military service was itself under the control of the military. Objecting to this they were detained and prosecuted. Before the ECtHR, they complained, inter alia, of the domestic courts' failure to apply law correctly and lack of impartiality.

“By its judgment of 27<sup>th</sup> November 2012, the Court unanimously

1. Decided to dismiss the Government’s objections as to the victim status of third, fourth and eighteenth applicants, and as to non-exhaustion;
2. Declared the complaints of all the applicants, except the tenth and eleventh applicants, concerning the lack of a reasonable suspicion of their having committed an offence, the alleged lack of relevant and sufficient reasons for their continued detention and the lack of an enforceable right to compensation of a non-pecuniary nature admissible under Article 5 §§ 1 (c), 3 and 5 of the Convention and the remainder of the application inadmissible;
3. Held that there has been a violation of Article 5 § 1 (c) of the Convention;
4. Held that there is no need to examine the complaint under Article 5 § 3 of the Convention;
5. Held that there has been a violation of Article 5 § 5 of the Convention;
6. Held

(a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

- (i) EUR 6,000 (six thousand euros) to each of the applicants, plus any tax that may be chargeable, in respect of non-pecuniary damage;
- (ii) EUR 10,000 (ten thousand euros) to the applicants jointly, plus any tax that may be chargeable to the applicants, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. Dismissed the remainder of the applicants’ claim for just satisfaction.”

In the aftermath of this judgement, Armenia introduced an alternative civilian service that was put under the control of civilian authorities instead of the Ministry of Defence.

### **Helsinki Committee of Armenia v. Armenia (2015)**

On 31<sup>st</sup> March 2015, the European Court of Human Rights ruled that there had been a violation of Article 11 (freedom of association and assembly) and Article 13 (right to an effective remedy) in a case of a rally to be organized by the Helsinki Committee of Armenia.

The case concerned a ban on the organisation holding a march in mourning of the death of a man in police custody, who was a witness in a murder investigation. The incident, involving the witness jumping out of a police station window on 12<sup>th</sup> May 2007, had provoked an outcry among Armenian human rights groups and civil society.

On 6<sup>th</sup> May 2008 the applicant NGO notified the Mayor of Yerevan of its intention to hold a commemoration march. The Mayor banned the march for reasons of national security and public order. This followed post-election clashes during which casualties had been reported and the President of Armenia declaring earlier that year a state of emergency for 20 days.

However, the applicant NGO did not receive the letter informing them of the Mayor's decision until 13<sup>th</sup> May, the day after the march had been planned. The group proceeded with the event as planned, but the police intervened.

The Helsinki Committee of Armenia filed a complaint with the European Court on 10<sup>th</sup> November 2008. Appealing to Article 11 (freedom of assembly and association) of the Convention, it complained about the ban on them holding their commemorative march. Further appealing to Article 13 (right to an effective remedy), the NGO complained that any decision to ban the march, when received after the date of the planned event, was not only ineffective but meaningless.

### **Chiragov and Others v. Armenia (2015)**

In the **Grand Chamber** judgment<sup>97</sup> in the case of Chiragov and Others v. Armenia (application no. 13216/05) the European Court of Human Rights held, by a majority, that there had been:

**a continuing violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights;**

**a continuing violation of Article 8 (right to respect for private and family life) of the Convention;**

**a continuing violation of Article 13 (right to an effective remedy).**

The case concerned the complaints by six Azerbaijani refugees that they were unable to return to their homes and property in the district of Lachin, in Azerbaijan, from where they had been forced to flee in 1992 during the Armenian-Azerbaijani conflict over Nagorno-Karabakh.

There are currently more than one thousand individual applications pending before the Court which were lodged by persons displaced during the conflict over Nagorno-Karabakh.

In the applicants' case, the Court confirmed that Armenia exercised effective control over Nagorno-Karabakh and the surrounding territories and thus had jurisdiction over the district of Lachin.

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<sup>97</sup> Grand Chamber judgments are final (Article 44 of the Convention). All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

The Court considered that there was no justification for denying the applicants access to their property without providing them with compensation. The fact that peace negotiations were ongoing did not free the Government from their duty to take other measures. What was called for was a property claims mechanism which would be easily accessible to allow the applicants and others in their situation to have their property rights restored and to obtain compensation.  
Source: Registrar of the Court Press Release (16.06.2015)

## **Conclusions**

### **Human Rights: State of Play and Perspectives**

The main human rights NGOs in Armenia agree to say that a systemic problem in their country is the lack of separation between the legislative, executive and judicial powers. Consequently the judiciary is not independent, which is a major obstacle to sustainable progress in the field of human rights.

The assessment of the human rights situation by domestic NGOs and several bodies of the United Nations, the OSCE and the Council of Europe is revealing serious shortcomings in the implementation of international standards that Armenia had committed to uphold. Moreover, in the first semester of 2015, the prohibition of public protest gatherings and the disproportionate use of force by police against participants in peaceful demonstrations have not remained unnoticed by the international community. OSCE officials have made public statements to express their serious concerns about the deterioration of the fundamental rights in Armenia. The future prospects are not encouraging either as the President of Armenia has decided to turn his back to the EU and to look at another Union of illiberal and autocratic regimes.

Indeed, on 3<sup>rd</sup> September 2013, without any consultation of the people, he unexpectedly announced that Armenia would join the Moscow-led Customs Union, which excluded the signature of the Association Agreement with the EU. On the next day, he again unexpectedly issued a decree to establish a Specialized Commission on Constitutional Reforms to draft amendments to the Constitution.

These moves had an immediate negative impact on human rights defenders in the country as the various reports and statements published by Armenian NGOs in the last few years have sufficiently and convincingly shown.

The prospects are now grim with the planned revision of the Constitution. The political objective is to operate a transition from a semi-presidential governance system to a parliamentary one which among other things includes the election of the president by the MPs and not any more by the people. Armenian civil society organizations share the opinion that the major purpose of the reform is the perpetuation of the political power of S. Sargsyan and/or the Republican Party of Armenia led by him. Indeed, according to the existing Constitution, he may not run for a third mandate but switching to a parliamentary system of governance would allow him to strengthen the rule of his political party and to be Prime Minister indefinitely.

Both the Venice Commission and the President of the Parliamentary Assembly of the Council of Europe are also concerned by this evolution.

Armenian human rights NGOs are opposed to the presidential initiative. In a statement dated 10<sup>th</sup> June 2015, a platform of Armenian civil society organizations, notably including Transparency International, Helsinki Citizens' Assembly-Vanadzor Office, Europe in Law and the European Platform for Democratic Elections, urged "all international organizations having a stake in the democratic reforms in Armenia not to support the constitutional

amendments.” Human rights have nothing to win in this constitutional manipulation, on the contrary.

## Recommendations

*Considering that the human rights record of the Republic of Armenia persistently remains problematic in numerous areas despite its commitments to the standards of the United Nations, the OSCE and the Council of Europe,*

*Human Rights Without Frontiers, along with Armenian NGOs, makes the following recommendations*

### **TO THE GOVERNMENT OF ARMENIA**

#### **Administration of justice**

- to remove the President's discretionary power in endorsing the list of judges from the Judicial Code; the list proposed by the Justice Council should be deemed as final and the President's signature should simply be a matter of protocol;
- to ensure internal independence in adjudication by removing the pressure placed on first instance courts by the Court of Cassation;
- to modify the grounds for disciplinary liability of judges by establishing clear and precisely defined criteria, in compliance with well-recognized international standards and best practice, including an appeal procedure;
- to abolish depositions of defendant confessional testimonies during criminal proceedings;
- to provide effective access to the Court of Cassation, so that private parties of criminal or administrative cases are able to bring complaints to the Court of Cassation without a licensed attorney.

#### **Access to justice for vulnerable groups**

- to amend the Law on Free Legal Aid in order to increase capacity and access to free legal aid;
- to ensure that education and training courses for judges include a special focus on the rights of vulnerable groups.

#### **Right to liberty**

- to release prisoners who were arrested for peacefully demonstrating or using their freedom of expression;
- to establish in legislation and in practice the right to an effective remedy in court and other state bodies every time the right to liberty is violated;
- to eliminate abuse of administrative apprehension and detention as a measure of restraint, particularly for politically sensitive cases;
- to increase the use of alternative measures of restraint and pre-trial detention;
- to ensure that decisions on pre-trial detention are well-founded and to closely scrutinize motions for extending a term;
- to stop arbitrary isolation of military servicemen during pre-trial investigation for extortion of evidence.

#### **Right to be free from torture and cruel, inhuman or degrading treatment or punishment**

- to ensure that the definition of torture in domestic legislation is fully in line with international standards;

- to provide criminal liability for torture in line with Article 1 of the UN Convention against Torture;
- to thoroughly investigate all allegations of torture and ill-treatment of detainees and hold perpetrators accountable;
- to ensure that in any case when a person alleges that the evidence was obtained through torture the proceedings are suspended until the claim has been thoroughly investigated;
- to ensure that amnesty decisions do not absolve state agents found guilty of torture or other forms of ill-treatment from criminal responsibility and punishment;
- to carry out a full and impartial investigation into all torture allegations and punish the perpetrators;
- to improve conditions of places of detentions in accordance with CPT standards and make efficient use of alternatives to imprisonment.

### **Freedom of association and assembly**

- to promptly, thoroughly and effectively investigate all incidents of disproportionate use of force by law enforcement officers and attacks against peaceful protesters by unidentified assailants;
- to effectively investigate the threats against human rights defenders;
- to shorten the 7-day notification requirement prior to an assembly to set a reasonable framework for notification of an event;
- to stop police interference and obstruction of peaceful assemblies under the pretense of “not authorized” events;
- to conduct impartial and transparent investigations of incidents where freedom of assembly has been restricted and police has used force; identify and prosecute police officers for excessive use of force, provide effective remedies to the victims.

### **Freedom of expression, the media and journalists**

- to review the licensing process to allow greater media diversity;
- to amend the Law on TV and Radio to ensure transparency of media ownership, a transition to a simplified licensing procedure, transparency and fairness of tenders, and independence of the national regulator through reforms of the member selection and appointment process;
- to ensure transparency of the digital switchover by informing the public about the most important technical, financial, and social problems and their solutions;
- to reform Article 1087.1 of the Civil Code with a view to preventing its potential use as a pressure tool against the mass media, namely by considerably reducing the cap on the amount of compensation for slander and offence;
- to carry out a full and impartial investigation into attacks against journalists, issuing a public report on the results of each investigation.

### **Freedom of religion or belief**

- to resolve the problematic issues in the current Law on Religious Organizations, specifically on the issue of the dominance of the Armenian Apostolic Church, the high threshold for registration of organizations and the labeling of preaching as “soul hunting”, along with its criminalization; conduct broad consultations on the new draft law;

- to preclude preaching in public schools and kindergartens by teachers and/or representatives of any religion or church;
- to address the propaganda and hate speech against other religions and beliefs, and hold perpetrators accountable.

### **The right to non-discrimination**

- to uphold the government's international obligations on non-discrimination on grounds of sexual orientation and gender identity, whether in a public or private sector;
- to ratify the Optional Protocol to Committee on the Rights of Persons with Disabilities;
- to adopt standalone legislation and effective mechanism on combating discrimination;
- to adopt standalone legislation on domestic violence and set up a referral system for victims of domestic abuse;
- to set up a comprehensive system of laws criminalizing hate speech and discouraging homophobic statements by public officials;
- to thoroughly and effectively investigate all attacks and threats against individuals on the grounds of sexual orientation and gender identity.

### **Gender equality and domestic violence**

- to mainstream gender equality in government policies and programs;
- to raise country-wide awareness on the concept of gender equality;
- to take measures to provide for equality of rights, opportunities and conditions between women and men, and the elimination of discrimination against women;
- to ensure more active engagement of women in all decision-making levels;
- to improve legal provisions and adopting the Council of Europe Convention on preventing and combating violence against women and domestic violence;
- to devote priority attention to effectively eliminate all forms of violence against women, especially domestic violence;

### **Child's rights**

- to prohibit corporal punishment in all settings;
- to develop a national strategy to prevent and address all forms of violence against children;
- to ensure access to and quality alternative measures of the formal justice system;
- to ban solitary confinement of children in penitentiary institutions.

### **Elections and the right to vote**

- to ensure full implementation of all OSCE/ODIHR election monitoring report recommendations;
- to implement effective measures to eradicate any improper use of administrative resources in future elections;
- to amend the electoral legislation to safeguard publication of voter lists after an election, in order to mitigate against multiple voting and ballot stuffing, and to provide civil society oversight of the process;
- to ensure the order and transparency of elections through recording and live-streaming the voting process inside and outside the precincts throughout the country;

- to guarantee adequate investigation and condemnation of electoral violations through improving the procedures of appeals to electoral commissions, judicial and law enforcement bodies and allowing the voters and observer organizations to challenge the legality of electoral process;
- to prevent the misuse of administrative resources by increasing restrictions on public officials during elections campaigns and voting processes, removing the electronic voting mechanisms for diplomatic and consular representations and missions, and introducing liability measures for the abuse of administrative resources and for violating the electoral code by electoral commissions;
- to ensure transparency of electoral processes through video-taping and online broadcast.

## **TO THE EUROPEAN UNION**

### ***Human Rights Without Frontiers, along with Armenian NGOs,***

Considering that relations between the EU and Armenia are mainly based on:

- Partnership and Cooperation Act 1999;
- European Neighbourhood Policy;
- Trade – the EU is Armenia’s main trading partner;
- Visa-Facilitation and Readmission Agreement;
- EU Financial Aid

### ***recommends to the European Union:***

- to pressure Armenia to honour its international and regional human rights obligations by strongly raising human rights concerns at multilateral and regional fora such as the OSCE and CoE;
- to pressure Armenia to release its political prisoners and human rights activists who peacefully demonstrated or used their freedom of expression;
- to urge Armenia to implement the recommendations of the various UN mechanisms, the OSCE/ ODIHR and the Council of Europe (such as ECRI and the Venice Commission);
- to urge Armenia to implement the decisions of the European Court;
- to raise human rights concerns in the framework of EU/Armenia relations;
- to mainstream human rights in all EU /Armenia policies;
- to raise awareness about the human rights situation in Armenia through statements and visits by the EU Special Representative on Human Rights;
- to adopt resolutions about the deterioration of human rights in a number of areas: freedom of association and assembly, freedom of expression and the media, police violence, torture and ill-treatment, the rights of LGBTI people, children’s rights, women’s rights, domestic violence;
- to ensure that the EU Delegation in Yerevan consults and collaborates with civil society;
- to ensure that the Delegation provides support and raises concerns with the Armenian government;
- to provide funding through the European Instrument for Democracy and Human Rights (EIDHR) for civil society organisations in Armenia.