

# **ARMENIA 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Armenia's constitution provides for a parliamentary republic with a unicameral legislature, the National Assembly (parliament). The prime minister, elected by parliament, heads the government; the president, also elected by parliament, largely performs a ceremonial role. Prime Minister Nikol Pashinyan's Civil Contract party won 54 percent of the vote and an overwhelming majority of seats in parliament in snap elections held on June 20. According to the October 27 final assessment of the international election observation mission under the umbrella of the Organization for Security and Cooperation in Europe, voters were provided with a broad range of options, the elections were generally well managed, and contestants were able to campaign freely. The elections, however, were also characterized by intense polarization and marred by increasingly inflammatory rhetoric. The observation mission noted that "high levels of harsh, intolerant, inflammatory and discriminatory rhetoric in the period leading up to election day tainted the debate." Other shortcomings included incidents of pressure to attend campaign events, allegations of vote buying, blurring of the line between the ruling party and state, alleged misuse of administrative resources, inadequate campaign finance provisions, and the narrow standing allowed for submitting electoral complaints.

The national police force is responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The Anticorruption Committee, established on October 23, replaced the Special Investigative Service as an independent agency specializing in preliminary investigation of cases involving alleged corruption by public officials. The Investigative Committee is responsible for conducting pretrial investigations into general civilian and military criminal cases and incorporates investigative services. The National Security Service and police chiefs report directly to the prime minister and are appointed by the president upon the prime minister's recommendation. The cabinet appoints the head of the Investigative Committee upon the prime minister's recommendation. The government appoints the head of

the Anticorruption Committee based on a short-list produced by a special commission in charge of conducting a competitive selection process. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

A ceasefire in November 2020 halted 44 days of intensive fighting involving Armenia, Armenia-supported separatists, and Azerbaijan. Sporadic incidents of violence along the undelimited international border between the two countries and some other areas during the year resulted in casualties and detentions. There were credible reports that ethnic Armenian and Azerbaijani forces engaged in unlawful killings, torture, and other cruel, inhuman, or degrading treatment during, and in some cases after, the November 2020 fighting. Complaints submitted by Armenia and Azerbaijan to the European Court of Human Rights accusing each other of committing atrocities during the fighting in fall 2020 and summer 2016 awaited the court's ruling. Since 1995 the final status of Nagorno-Karabakh has been the subject of international mediation by the cochairs of the Organization for Security and Cooperation in Europe's Minsk Group (the United States, France, and Russia).

Significant human rights issues included credible reports of: torture by members of the security forces; harsh prison conditions; serious problems with judicial independence along with arbitrary or selective detentions; arbitrary or unlawful interference with privacy; serious abuses in conflict, including torture and other physical abuse; serious restrictions on free expression and media, including the criminalization of insults; trafficking in persons; crimes involving violence or threats of violence targeting civil society figures and lesbian, gay, bisexual, transgender, queer, or intersex persons; and the worst forms of child labor.

The government took only limited steps to investigate and punish alleged abuses by former and current government officials and law enforcement authorities. A trial into the culpability of former high-ranking government officials surrounding events that led to the deaths of eight civilians and two police officers during postelection protests in 2008 collapsed after the Constitutional Court invalidated the criminal code article underpinning the case. As of year's end, parliament had not passed legislation establishing a fact-finding commission on human rights abuses. The government took steps to establish new mechanisms to investigate and punish corruption crimes.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports that the government or its agents committed arbitrary or unlawful killings. Credible reports continued of unlawful killings during the fall 2020 intensive fighting between ethnic Armenian and Azerbaijan forces (see section 1.g and the *Country Reports on Human Rights Practices* for Azerbaijan).

Human rights nongovernmental organizations (NGOs) continued to express concerns over noncombat deaths in the army and the failure of law enforcement bodies to conduct credible investigations into those deaths. According to civil society organizations and victims' families, the practice of qualifying many noncombat deaths as suicides at the onset of investigations made it less likely that abuses would be uncovered and investigated. According to human rights lawyers, the biggest obstacle to investigation of military deaths was the destruction or nonpreservation of key evidence, both by the military command (in cases of internal investigations) and by the specific investigation body working on a case. According to human rights NGOs, the government's lack of transparency in reporting on military deaths, whether classified as combat or noncombat, led to public distrust of official information in this sphere.

On August 19, the Ministry of Defense reported that three conscripts had been found dead with gunshot wounds at a military post in southeastern Syunik region near the border with Azerbaijan. Later that day the ministry announced the arrest of a soldier on suspicion of murder. On August 23, the Investigative Committee reported the arrest of the post commander, who was suspected of "inciting the unlawful intentional killing of servicemen and committing violent sexual acts against a serviceman." According to civil society, the murders were indicative of years of official failure to act on multiple watchdog reports of discipline problems, impunity, and corruption inside the army. According to official information, the investigation was underway and both suspects remained in detention.

According to observers there was a notable increase in soldier suicides following the fall 2020 fighting. According to NGOs the trauma of the 2020 fighting was a

leading factor in the suicides. The Prosecutor General's Office reported a high rate of suicide among the family members of servicemembers and persons who participated in the conflict as volunteers. During the year the government initiated programs to provide free psychological assistance to thousands of conflict participants, servicemembers, and family members. According to NGOs the assistance provided was not always sufficient or effective. One servicemember told media, for example, that when he sought help for post-traumatic stress disorder, the military psychologist advised him to try not to think about the conflict.

According to a July 26 report by the NGO Helsinki Citizens Assembly Vanadzor (HCAV), deaths in the military due to health problems continued, although it was unclear what factors had led to the health conditions or if the conditions had been acquired prior to or during military service. In one case HCAV reported that failure to provide prompt and appropriate medical assistance led to the death of a conscript.

On May 11, Prime Minister Pashinyan was briefed by a working group established in August 2020 to examine noncombat deaths, some of which had occurred more than a decade prior. The working group, composed of three independent attorneys picked by the families and three experts from the Ministry of Justice and the prime minister's office, had completed its examination of records related to the 2007 death of Tigran Ohanjanyan, the first of eight noncombat death cases it was reviewing. According to one of the lawyers, the review revealed major violations by more than 50 current and former officials at various levels of seniority from every law enforcement agency as well as army officers, who had covered up Ohanjanyan's killing. In contrast to prior reviews of this case, the working group was given full access to case materials. According to the lawyer, the findings were forwarded to the Prosecutor General's Office to initiate a case into the alleged cover-up as well as a new investigation of the killing. According to the government, the investigation of Tigran Ohanjanyan's death was reopened on September 25 and was in progress with no suspects facing criminal charges as of year's end.

Authorities took no steps during the year to set up a fact-finding commission to examine noncombat deaths, among other human rights abuses; the commission had

been scheduled to have been established by 2020 (see section 5).

There was no progress in the investigation into the 2018 death of Armen Aghajanyan, who was found hanged in the Nubarashen National Center for Mental Health where he had been transferred from Nubarashen Penitentiary for a psychological assessment. There was progress, however, in the investigation into his alleged torture. His family believed Aghajanyan was killed to prevent his identification of penitentiary guards who beat and tortured him prior to his transfer to the hospital. The investigation into Aghajanyan's alleged suicide was suspended for the third time on March 3. One of the attackers in Aghajanyan's torture case, Major Armen Hovhannisyan, was initially charged with torture and falsification of documents, but the trial court requalified his actions as exceeding official authority and released him on the basis of a 2018 amnesty. On March 5, the Court of Cassation accepted the case for review based on applications by the prosecutor's office and Aghajanyan's family, following a failed appeal of the trial court's decision. On October 15, the Court of Cassation ruled that the lower court's requalification of the torture charges was not grounded and was in violation of European Court of Human Rights (ECHR) case law; it sent the case for further review to the Court of Appeals.

On March 26, the Constitutional Court ruled that a criminal code article under which former president Robert Kocharyan and other high-ranking officials were prosecuted for their alleged involvement in sending the military to break up protests after the 2008 presidential election, resulting in the deaths of eight civilians and two police officers, did not comply with two articles of the constitution and was therefore invalid. As a result on April 6, trial court judge Anna Danibekyan dropped the charges of overthrowing the constitutional order against the defendants but stated that Kocharyan and his former chief of staff, Armen Gevorgyan, would continue to stand trial on bribery charges. The judge acquitted two other defendants in this case, retired Ministry of Defense generals Yuri Khachaturov and Seyran Ohanian, who were charged with overthrowing the constitutional order in connection with the postelection unrest. The court denied the prosecutor's appeal to requalify the case under a different article of the criminal code. Many in the legal community questioned the original decision to indict the officials under the specific article chosen.

Although the trial ran for three years before the Constitutional Court ruling, the trial court never discussed the merits of the case due to the stalling tactics employed by the defense, which presented countless motions and appeals. As a result, in September 2020 family members of the victims of the 2008 postelection violence refused to attend further court hearings, blaming the Prosecutor General's Office for turning the trial into a farce and not taking effective measures to move the case forward. Following the Constitutional Court decision that the criminal code article under which Kocharyan was charged was unconstitutional, lawyers for the families averred that the prosecution's failure served the "interests of a specific group," a reference to Kocharyan and his associates. The investigation into others suspected of the 2008 postelection violence, including those charged with excessive use of force and murder, continued.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. A new criminal code which was adopted on May 5 and scheduled to enter into force in July 2022, would criminalize enforced disappearances, defined as "denial or hiding the fact of or the status or the place of a legally or illegally detained person by an official, another person or a group of persons, with the authorization, assistance, consent or connivance of the state as a result of which the disappeared person found himself outside the protection of law."

The International Committee of the Red Cross (ICRC) processed cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, more than 5,000 Armenians and Azerbaijanis remained unaccounted for since the 1990s as a result of the conflict. According to police, as of 2019 a total of 867 Armenians were missing since the 1990s due to the conflict. According to the government, as of October 29, 321 persons were considered missing after the fall 2020 fighting.

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

The constitution and law prohibit such practices. Nevertheless, there were reports

that members of the security forces continued to torture or otherwise abuse individuals in their custody. According to human rights lawyers, while the criminal code defines and criminalizes torture, it does not criminalize other cruel, inhuman, or degrading treatment. The first conviction in a torture case since the 2015 adoption of a new definition of torture in the criminal code occurred on December 28. Two policemen were found guilty of committing torture in 2019 and sentenced to seven years in prison.

With the disbanding of the Special Investigative Service (SIS), the investigation of torture cases was redistributed. According to lawyers involved in such cases, the cases were under investigation by the National Security Service (NSS), Investigative Committee, and the newly created Anticorruption Committee. Civil society criticized this redistribution, demanding the creation of a specialized, independent unit to tackle torture cases.

There were credible reports that ethnic Armenian and Azerbaijani forces abused detainees held in connection with the conflict in late 2020 (see section 1.g. and the *Country Reports on Human Rights Practices* for Azerbaijan).

Human rights activists asserted that lack of accountability for old and new instances of law enforcement abuse continued to contribute to the persistence of the problem. Observers contended that the failure of authorities to prosecute past cases was linked to the absence of change in the composition of the justice system since the 2018 political transition, other than at the top leadership level. Human rights lawyers also noted multiple cases where those responsible for abuse were later promoted, including after the 2018 revolution. According to the government, the majority of criminal cases into police use of disproportionate force against protesters during the largely peaceful protests of 2018 were dropped due to the failure of law enforcement bodies to identify the perpetrators. The trial of former deputy police chief, Levon Yeranossyan, for abuse of authority during the 2018 protests continued.

On May 25, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its most recent periodic visit to the country in December 2019. The CPT noted that the great majority of the persons interviewed by its delegation who were or had recently been in police custody said they had

been treated appropriately.

On June 3, the Helsinki Association for Human Rights reported that on May 30, Vanadzor police abused Samvel Hasanyan and two other suspects upon arrest on suspicion of burglarizing an apartment. The beatings reportedly continued at the Vanadzor police station. Hasanyan's lawyer from the human rights association, Arayik Papikyan, said numerous officers, some in civilian clothing, participated in the abuse. Papikyan published photographs of Hasanyan with numerous abrasions and bruises on his face, ears, head, arms, and body. The investigators in the case alleged that Hasanyan had sustained the injuries when being taken out of the car and being pushed to lie on the ground. According to Papikyan, the Vanadzor trial court authorized Hasanyan's pretrial detention based only on police testimony regarding his alleged role in abetting a theft in an apartment. The SIS opened an investigation into the torture allegations on charges of abusing authority but dropped it two months later. According to the government, the preliminary investigation did not find sufficient evidence to establish beyond a reasonable doubt that the relevant police officers had used violence against the three individuals. According to Papikyan, Hasanyan refused to testify to the SIS concerning the abuse due to fear of retaliation in connection with the criminal case in which he was a suspect. The lawyer also noted that there was no video recording of the day's events in Vanadzor's Taron district police station, a problem he described as chronic.

During the year the trial of three police officers from Yerevan's Nor Nork District continued on charges of torture for the September 2020 abuse of weight-lifting champion Armen Ghazaryan and another citizen. Ghazaryan asserted that officers had kidnapped him after he tried to intervene when plainclothes police were apprehending a person over a personal dispute. Ghazaryan stated he was taken to a police station, where he was beaten by a group of officers and subjected to degrading and inhuman treatment. After Ghazaryan reported the abuse, employees of the Nor Nork police department reportedly pressured him to recant his testimony, threatening to frame him if he did not. In September 2020 the SIS launched a criminal case and arrested three officers on torture charges and the department chief on charges of abuse of authority for trying to interfere with an internal investigation. While the charges against the department chief were later



dropped, citing his repentance, the case against the three officers, who remained in pretrial detention, was sent to court and continued at year's end.

There were continued reports of abuse in police stations, which, unlike prisons and police detention facilities, were not subject to public monitoring. Criminal justice bodies continued to rely on confessions and information obtained during questioning to secure convictions. According to human rights lawyers, procedural safeguards against mistreatment during police questioning, such as inadmissibility of evidence obtained through force or procedural violations, were insufficient.

While human rights lawyers claimed that the installation of video cameras in police stations had not been effective in safeguarding against abuse, pointing to the absence of video evidence in several torture cases that they monitored, officials said that existing safeguards precluded individual police stations from manipulating or deleting centrally collected video data. According to official data, video recording systems were installed in interrogation rooms of 21 police subdivisions, and 70 video monitoring systems were installed at the exits and entrances of 20 regional subdivisions, all of which were connected to the main departmental network.

There was no progress in the investigation of the 2019 death of Edgar Tsatinyan, who died in a hospital after having been transferred from Yerevan's Nor Nork police department, where he had been in custody. Tsatinyan died of a drug overdose after swallowing three grams of methamphetamine, with which police reportedly intended to frame him after he refused to confess to a murder. In July 2020 the SIS dropped the investigation into Tsatinyan's death. In December 2020 a Yerevan trial court rejected the appeal by the lawyer representing Tsatinyan's family to reopen the case. The lawyer, citing numerous procedural violations in the investigation, subsequently submitted an appeal on January 14 to the Court of Appeals that was rejected on April 25.

On July 13, lawyers for the Helsinki Association for Human Rights announced that the SIS had dropped torture charges against the commander of the Yerevan Police Department Escort Battalion, Armen Ghazaryan, for his alleged role in the 2017 police beatings of four members of the armed group Sasna Tsrer while they were in custody on court premises. The defendants suffered cuts and bruises on their faces, heads, abdomens, backs, and legs in the beatings. The lawyers said the SIS

dropped the charges due to contradictory data and its inability to give an “external criminal assessment of the actions of the police officers,” which appeared to mean that SIS found no evidence besides that provided by the victims. The Helsinki Association strongly condemned the prosecutor’s office, the SIS, and other law enforcement agencies, demanding they act to end violence and torture by police and the long-standing practice of covering up such cases.

The CPT noted problems regarding voluntary consent to hospitalization by a number of legally competent patients who may not have signed consent forms voluntarily. At the Armash psychiatric health center, the CPT was told that since it “would be a hassle” to apply to a court for authorization for involuntary hospitalization, persons who brought in a family member for treatment were told they had to coerce that person to sign a voluntary consent form to receive treatment. Once a patient signs the form, there is no way to apply to a court to reverse the involuntary hospitalization. The CPT also reported that patients subsequently were not allowed to go outside to exercise or depart the hospital.

There were no reports regarding the scale of military hazing in the army and whether it constituted torture. According to a 2020 report produced by the NGO Peace Dialogue, the lack of legal clarity concerning the functions and powers of military police as well as a lack of civilian oversight mechanisms made it possible for military police to employ torture and other forms of mistreatment against both witnesses and suspects in criminal cases. There were anecdotal reports during the year that military police abused servicemen.

In September 2020 Syunik regional trial court judge Gnel Gasparyan, in an unprecedented decision, ruled in the case of Artur Hakobyan that investigators had failed to carry out a proper investigation into Hakobyan’s torture claims. The judge ruled that investigators should undertake a psychological assessment of the victim that adhered to provisions in the *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, commonly known as the Istanbul Protocol. Eight months after this ruling, investigators commissioned the required psychological assessment, which was underway at year’s end. In 2015 Hakobyan had been released from the army early due to a mental disorder. According to his family and lawyer, Hakobyan was in good mental health before joining the army but experienced deep psychological

trauma as a result of torture and abuse. In 2019 the Court of Cassation recognized there had been a violation of Hakobyan's right to freedom from torture, but up to the September 2020 court decision, the case had been stalled due to continuing appeals and counterappeals.

Impunity was a significant problem in the security forces. To combat torture, during the year the government held targeted training sessions for judges, prosecutors, investigators, military command staff, military police, police, and prison staff.

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

While the prison population decreased due to improvements in early release procedures and the release of some prisoners under COVID-19 prevention measures, conditions in some prisons were harsh and marked by poor sanitation, inadequate medical care, and predation by hierarchical criminal structures. New criminal and administrative procedure codes, adopted on May 5 and June 30, respectively, provide for alternatives to imprisonment for certain crimes; both codes were scheduled to enter into force in July 2022. The government announced on October 28 that Kosh and Hrazdan prisons would close on January 1, 2022, allowing the government to reallocate resources. According to Justice Minister Andreasyan, as of October the prison system had the capacity to house 5,346 inmates but held just 2,113.

**Physical Conditions:** According to the Prison Monitoring Group (PMG), a coalition of local NGOs, prison renovations underway since 2019 had not resulted in major improvements for inmates. Prison monitors, however, no longer considered prison conditions to be life threatening, noting that with the dramatic decrease in inmate numbers the worst cells were no longer in use. Conditions in Nubarashen Prison, one of the country's 12 penitentiaries, in some cases were harsh, although improvements to pipework reportedly eliminated the sewage stench from the prison. Human rights observers and the PMG also continued to express concern regarding the physical conditions of Armavir Penitentiary, which did not have an air ventilation or cooling system, which allowed recorded cell temperatures as high as 113 degrees Fahrenheit in past summers. The heat affected inmates as well as the prison staff. On August 2, the human rights defender's

(ombudsperson's) office issued a statement on the degrading conditions of defendants' confinement in court buildings in the Shirak and Aragatsotn regions. The statement identified unsanitary conditions, open and inaccessible toilets, lack of heat and lighting, and lack of furniture in some cells. According to the ombudsperson and other reports, these problems also occurred in other courthouses throughout the country.

On August 19, the ombudsperson stated that conditions in the coronavirus department of the "hospital of convicts" penitentiary were inhuman and degraded human dignity. According to the statement, wards were dilapidated, unsanitary, and damaged by mold and decay.

According to the ombudsperson and the PMG, impunity related to the deaths of inmates and the lack of a systemic approach to their prevention continued to be a problem. Prison deaths totaled 13 in the year. This number exceeded those in 2020 due to illness but remained lower than in prior years. Nine deaths were linked to illness, including four from COVID-19; three committed suicide; and one was murdered. An investigation of the latter was underway at year's end. The government and NGOs did not attribute any of the 2020 or 2021 prison deaths to physical conditions.

Observers continued to note the need for better psychological services in prisons. According to the PMG, there was a shortage of psychologists on staff and hundreds of inmates in need of care. According to research published by the PMG in April 2020, the large number of patients per psychologist, overwhelming amounts of paperwork, and inappropriate working conditions as well as the ambiguous role of prison psychologists contributed to the failure of psychological services and led to burnout among the few existing specialists. In 2020 the ombudsperson criticized the practice of punishing inmates who self-mutilated instead of providing them with appropriate medical and psychological care. The government implemented programs to improve psychological services and increase staff, which together with improved physical conditions and a reduction in the number of inmates, contributed to a decrease in the number of cases of self-mutilation during the year.

The government reiterated its zero-tolerance policy towards corruption in prisons

and expressed its determination to root out the organized hierarchical criminal structure dominating prison life, in which select inmates (called “watchers”) at the top of the informal prison hierarchy controlled the inmate population and prison life. According to the government, from January 1 to October 1, authorities investigated 19 criminal cases connected to the prison criminal subculture, of which four were sent to court with indictments, one was suspended, five were terminated, and nine remained under investigation. As of October 1, courts were examining six prison-related criminal cases against 25 individuals, with no convictions yet in place. According to observers it was not clear whether the government’s efforts had resulted in changes to the hierarchical system or had simply driven the problem underground.

Observers noted some progress fighting systemic corruption and said that prison administrations did not participate in corruption schemes, in part due to high-profile prosecutions of prison administration heads. Some observers reported that prisoners were no longer forced to contribute to a general pool of money supervised by watchers and that prisoners no longer appeared to be forced to participate in gambling. Other observers noted, however, that family members of incarcerated individuals reported having to pay representatives of prison hierarchies located outside of penitentiaries to ensure the safety of individuals in prison.

Experts assessed that corruption was likely to continue as long as the criminal subculture continued to exist. In its May 25 report, the CPT noted that its delegation received no credible allegations of recent physical mistreatment by staff in the six penitentiary establishments visited. From its observations, the CPT concluded, however, that interprisoner violence, intimidation, and extortion remained a problem in most of the prisons visited and was clearly related to the persistent influence of informal prisoner hierarchies.

In August 2020 the SIS reported the arrest of former Nubarashen Penitentiary chief Samvel Mkrtchyan for his role in arranging and covering up the February 2020 attack on inmate Vahagn Abgaryan. Mkrtchyan was released in September 2020 after a trial court refused to satisfy the SIS motion for pretrial detention. Mkrtchyan was charged with fraud and abuse of power for the February 2020 beating of Abgaryan (reportedly a member of the criminal hierarchical system) by

other inmates. To hide the circumstances of the attack, which according to earlier official reports was instigated by orders from “criminal authorities” from abroad, Mkrtchyan instructed employees to report that Abgaryan had slipped exiting the bathroom. Other penitentiary employees were also arrested in the case. According to the government, the criminal case against penitentiary staff Hovik Aleksanyan and Zohrab Petrosyan was dropped in September 2020 due to their remorse, and the criminal case against Samvel Mkrtchyan was dropped in November on the grounds of an unspecified “change in the situation.”

In its May 25 report, the CPT noted the reform underway of the prison health-care service and the establishment of a Penitentiary Medicine Center, a public noncommercial organization for providing health care in prisons, but expressed concern that inmates still complained of a lack of access to specialized care. Observers noted that the number of surgeries and other specialized care permitted under the state order was limited. Most prisons lacked accommodations for inmates with disabilities.

According to the PMG and other human rights organizations, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals continued to experience the worst prison conditions. Prison administrators reinforced and condoned abusive treatment and held LGBTQI+ individuals in segregated cells in significantly worse conditions. The PMG noted that homosexual men or those assumed to be homosexual, those associating with them, and inmates convicted of crimes such as rape as well as those who refused to live by the “unwritten prison rules” were segregated from other inmates and forced to perform humiliating tasks, such as cleaning toilets, picking up trash for other prisoners, and providing sexual services. Food and cutlery for these inmates were kept separate, and they had a separate laundry machine and a separate solitary confinement cell.

On March 4, the NGO Center for Legal Initiatives issued a report, *Issues of LGBT Prisoners of Armenia*. The report specified that no state programs, strategies, or reports (including the 2020-22 *National Strategy on the Protection of Human Rights* and the 2019-23 *Penitentiary and Probation Strategy*) mentioned the human rights of imprisoned LGBTQI+ persons or the need to improve their detention conditions. The report found that discrimination against and segregation of imprisoned LGBTQI+ persons was a direct consequence of the prison criminal

subculture but was not recognized as such by government policy papers. Since initiatives to eradicate the criminal subculture did not consider the special vulnerability of LGBTQI+ persons, the report concluded the initiatives could have a further negative effect on LGBTQI+ individuals. According to the PMG, inmates entering the prison system were not screened for vulnerabilities such as sexual orientation, psychological problems, or other characteristics that could make their inclusion in the general prison population dangerous.

Observers reported significant improvements during the year in the early release and release on parole of inmates. Despite the progress, some experts noted that some prisoners were disadvantaged by the point system used to determine eligibility for release, since it failed to take into account factors not related to the inmate (for example, points were granted for employment or participation in an education program, which were not always available or were not available in all prisons). In its May 25 report, the CPT likewise noted that the lack of work opportunities for inmates meant that most of them could not qualify for early release. The CPT stated its concern that, as had been the case during its 2015 visit, none of the prisons visited offered anything remotely resembling a regime of organized constructive out-of-cell activities. In addition, there was no individual risk and needs assessment, no individual sentence planning (setting forth appropriate work, education, or other activities or noting any medical or psychological care that may be needed), and hardly any efforts to prepare prisoners for release.

According to the Ministry of Justice, an improved food program had a positive effect on the overall maintenance of order in prisons as well as a positive impact on the families of inmates, who no longer had to provide food. There were anecdotal reports concerning a deterioration in the quality of the food in the latter part of the year, with a few prisoners reportedly refusing to consume it. A PMG report on the food in late 2020, however, indicated that in private conversations, prisoners assessed the food positively and were generally satisfied with it.

**Administration:** Authorities did not conduct prompt investigations into credible allegations of mistreatment.

Outside the periods when there were COVID-19 restrictions, no access problems

were reported.

**Independent Monitoring:** The government generally permitted domestic and international human rights groups, including the CPT, to monitor prison and detention center conditions, and they did so regularly. Authorities allowed monitors to speak privately with prisoners and permitted the ICRC to visit prisons and pretrial detention centers. Authorities, however, limited independent monitoring by domestic groups. The Ministry of Justice continued to deny PMG monitors access to those individuals in whose cases the investigation body had put a restriction on communication. The PMG was also unable to monitor the conditions of confinement for those individuals. The PMG asserted the restriction was arbitrary and that the investigation body's decision should not apply to the PMG. In November 2020 the PMG criticized the Ministry of Justice for the March 2020 adoption of a decree regulating PMG activities that contradicted its prior agreements with authorities. According to a PMG statement, the decree added further restrictions to their activities, such as a requirement to obtain permission from the prison administration before visits during nonworking hours. The decree also significantly raised the experience and qualification requirements for PMG members, all of whom performed their work pro bono. The PMG expressed concern that the new criteria could result in the inability of the group to attract new members, decreasing its ability to monitor prisons.

On August 5, human rights reporter Zhanna Alexanyan reported that the prison administration had obstructed her meeting with Karen Hovhannisyan, a pretrial detainee in Armavir Penitentiary, forcing her to meet her client in a bathroom foyer. Hovhannisyan was arrested in 2018 on charges of murder that he denied. While he entered prison without health problems, when Alexanyan met him, he was in a wheelchair and had numerous health problems that Hovhannisyan attributed to beatings and torture by police and prison staff as well as inappropriate medical care. According to the Prosecutor General's Office, the special investigative service launched a criminal case on August 20 on charges of torture concerning a 2019 incident when six security staff of Nubarashen prison, where Hovhannisyan was being held at the time, beat him to force him to end a hunger strike. On October 10, the case was forwarded to the NSS for further investigation and was underway at year's end.



**Improvements:** Observers noted the reduction of the prison population and the decrease in corruption as improvements during the year. According to observers, the decrease of the prison population improved visitor access. According to the Ministry of Justice, ramps were built in the Central Prison hospital and Armavir and Hrazdan prisons for persons with disabilities, and special accommodations were made in the Central Prison hospital to enable their use of showers and bathrooms. To accommodate inmates with disabilities, toilets with seats were installed in at least one bathroom in each penitentiary, and in Hrazdan Penitentiary special equipment was installed in the bathing room.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were several reports of arbitrary or selective arrest during the year. There were reports that ethnic Armenian forces unlawfully executed some Azerbaijani detainees in 2020 (see section 1.g.)

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

The law provides that an investigative body must either arrest or release individuals within three hours of taking them into custody. Within 72 hours the investigative body must release the arrested person or file charges and obtain a detention warrant from a judge. The law requires police to inform detainees of the reasons for their detention or arrest as well as their rights to remain silent, to legal representation, and to make a telephone call. Bail was a legal option.

According to human rights lawyers, there continued to be significant use of pretrial detention, with suspects bearing the burden of proof to demonstrate they did not present a flight risk or would not hamper an investigation. Furthermore, lawyers said that court detention decisions were increasingly unpredictable, with different detention conditions placed on defendants in similar circumstances.

On August 4, the NGO Protection of Rights Without Borders reported that according to official statistics, in 2020 the application of custodial sanctions (i.e., imprisonment) decreased from 2018 and 2019 levels, while the use of noncustodial sanctions and the conditional nonapplication of custodial sanctions and the use of

finer as a punishment increased.

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

In its May 25 report, the CPT suggested that the practice of “informal talks” (i.e., persons being “invited,” usually by telephone, to come to police, prior to being officially declared a suspect and detained), criticized by the CPT many times in the past, was not fully eliminated, especially outside Yerevan.

**Arbitrary Arrest:** There were several reports of arbitrary or selective arrest during the year. For example on June 27, police special forces near the Government Building in Yerevan detained a citizen purportedly for chanting “Nikol, go away” in reference to the prime minister.

According to the NGO HCAV, police apprehended 20 to 30 persons from Marts village, many at night, ostensibly while seeking individuals who had attacked police on August 14 immediately after a car crash. The crash followed a police chase of a car of suspects and resulted in two deaths. As reported by HCAV, after the crash police prevented ambulances from providing medical aid. Police reportedly entered homes by force without identifying themselves and apprehended suspects’ relatives who had not been involved in the altercation with police. Authorities did not provide any information to the individuals taken into custody regarding the reason for their apprehension or legal status. Police allegedly struck some of the detainees’ heads and throats, forced them to stand with their arms up, and did not allow them to sit for lengthy periods. One individual from a nearby village was allegedly apprehended and almost “beaten to death” before police realized they had taken the wrong man. HCAV also reported that some individuals were taken into custody several times, creating an atmosphere of fear among

village residents, some of whom were afraid to leave their homes, while others were afraid to spend the night indoors.

During the campaign prior to the June parliamentary elections and after reelection, Prime Minister Pashinyan claimed his party would enact a “steel mandate,” strictly prosecuting persons who violated the law. The opposition and some independent human rights observers asserted that such prosecutions largely targeted the prime minister’s opponents. During and following the elections, four opposition-linked mayors in the Syunik region were arrested for various alleged crimes related to embezzlement or bribery. As the mayors had openly opposed Pashinyan, their arrests raised questions concerning the potential selective application of the law and political motivations for the arrests as well as questions concerning the necessity of placing the mayors in pretrial detention (see Section 3, Political Parties and Political Participation).

**Pretrial Detention:** Lengthy pretrial detention remained a problem. Some observers saw investigators’ use of excessive pretrial detention as a means of inducing defendants to confess or to reveal self-incriminating evidence.

Although the law requires prosecutors to present a well-reasoned justification every two months for extending pretrial custody, judges routinely extended detention on unclear grounds. Authorities generally complied with the six-month limit in ordinary cases and a 12-month limit for serious crimes as the total time in pretrial detention. Once prosecutors forward their cases to court for trial, the law does not provide time limits on further detention but indicates only that a trial must be of “reasonable length.” Prosecutors regularly requested and received trial postponements from judges. Prosecutors tended to blame trial delays on defense lawyers and their requests for more time to prepare a defense. Severely overburdened judicial dockets at all court levels also contributed to lengthy trials, and there were no mechanisms to ensure trials were concluded within a reasonable time.

In January 2020 the ombudsperson’s office released a special report on the lack of mechanisms to ensure court system accountability for compliance with time standards or to obtain redress if a trial has not met the reasonable timeframe requirement. According to the report, 2019 data from the Supreme Judicial

Council indicated 155 criminal and 1,628 civil cases in Yerevan alone had continued for more than two years, some for more than 10 years. A total of 1,123 such cases were handled by just seven judges.

On February 13, the NGO Hetq Investigative Journalists examined 10 civil, 10 administrative, and 10 criminal court cases, all of which had been in progress for at least five years. Hetq's investigation revealed cases that had been in progress for up to 18 years, with no final court verdict. Experts who analyzed the cases found that the primary factors leading to delays were subjective and linked to arbitrary decisions by the judge, such as referral of the case to another judge, training or leave of absence of a judge, court hearings scheduled with large time gaps (i.e., from two to six months) or rescheduled due to technical problems, lengthy expertise examinations, and legal gaps. In 2020 trials also were delayed due to the COVID-19 pandemic and the fall 2020 fighting. In many cases criminal trials lasted such a long time that proceedings were terminated due to the expiration of the statute of limitations. When defendants agreed to suspend their cases on these grounds, they could not avail themselves of the opportunity to apply for compensation, as they might have done had they been acquitted, while victims did not receive redress. Hetq reviewed one case in which the defendant had spent 11.5 years in pretrial detention while his case went through an appeals and reexamination process.

Although in March 2020 the Supreme Judicial Council ruled that measures such as the use of online communications tools must be adopted to ensure that trials continued during the COVID-19 pandemic, trial delays persisted. According to a 2020 joint monitoring report of the NGOs Helsinki Association for Human Rights and Human Rights Power, a number of courts faced significant delays, apparently due to a lack of technical preparedness; the sessions that were delayed included those devoted to the discussion of urgent matters such as detention measures. The law does not allow for telecommunication measures in criminal cases, and according to observers, delays in such cases were mostly due to the failure of the judges and the prosecutors to appear in court.

**Detainee's Ability to Challenge Lawfulness of Detention before a Court:** The law allows suspects to appeal the legality of arrests in court. According to some human rights lawyers, however, even when courts determined arrests violated the

law, courts would often satisfy the investigation body's pretrial detention requests.

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

Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. Popular trust in the impartiality of judges remained low, while civil society organizations highlighted that the justice sector retained many officials who served the previous authorities and issued rulings consistently favorable to them. Corruption of judges remained a concern. During the year NGOs continued to report on judges who had acquired significant amounts of property and assets that were disproportionate to their salaries, and they noted that the absence of vetting of all standing judges based on objective criteria – particularly of those in the Supreme Judicial Council and Constitutional Court – undermined the integrity of the judiciary.

Some human rights lawyers noted that some of the few truly independent judges faced internal pressure from superiors – including the Supreme Judicial Council – on some judicial decisions. Such pressure reportedly included suggestions their reputations or careers would be impacted and through the threat of selective punishment of minor misdemeanors. The lawyers said court decisions on cases involving similar circumstances had become unpredictable and in some high-profile corruption cases decisions, appeared to be politically motivated. They asserted that ongoing judicial reforms primarily offered ad hoc and temporary fixes rather than systemic reform.

In March 2020 parliament adopted changes to the judicial code and several related laws to provide a legal basis for checking and assessing the legality of judges' property acquisition, their professionalism and respect for human rights, and their impartiality. In April 2020 a group of civil society organizations criticized these judicial integrity mechanisms. According to the group's statement, the extremely limited scope of the integrity review was fundamentally disappointing, as it would be conducted only for candidates for Constitutional Court judgeships, prosecutors, or investigators, but not for sitting judges, prosecutors, or investigators. The constitution prohibits retroactive application of law and would have to be amended to allow the vetting of sitting judges.

The Commission on the Prevention of Corruption conducts asset declaration analysis of sitting judges and nominees to public positions, such as judges, prosecutors, and investigators. Based on the commission's review of the property of judges, three disciplinary, three administrative, and one criminal case had been initiated as of September 3.

According to observers, administrative courts had relatively more internal independence but were understaffed and faced a long backlog.

Authorities generally enforced court orders.

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

## **Trial Procedures**

The constitution and laws provide for the right to a fair and public trial, but the judiciary did not enforce this right.

The law provides for presumption of innocence but suspects usually did not enjoy this right. During trials authorities generally informed defendants in detail of the charges against them. The law requires the provision of free language interpretation when necessary. The law requires that most trials be public but permits exceptions, including in the interest of "morals," national security, and the "protection of the private lives of the participants." Defendants have the right to counsel of their own choosing, and the law requires the government provide them with a public defender upon request. A shortage of defense lawyers sometimes led to denial of this right outside Yerevan.

The law provides that defendants may confront witnesses, present evidence, and examine the government's case in advance of a trial, but defendants and their attorneys had very little ability to challenge government witnesses or police, while courts tended to accept prosecution materials routinely. The law prohibits police officers from testifying in their official capacities unless they were witnesses or

victims in a case. Judges were reluctant to challenge police experts, hampering a defendant's ability to mount a credible defense. Judges' control over witness lists and over the determination of the relevance of potential witnesses in criminal cases also impeded the defense. Defense attorneys complained that judges at times did not allow them to request the attendance at trial of defense witnesses. According to lawyers and domestic and international human rights observers, including the Council of Europe's human rights commissioner, the prosecution retained a dominant position in the criminal justice system. Human rights organizations reported there were insufficient provisions for prosecutorial impartiality and accountability and no objective criteria for the nomination and selection of candidates for general prosecutor.

Defendants, prosecutors, and injured parties have the right to appeal a court verdict and often exercised it. In an example of a trial that even the victim's family deemed unjust to the accused, criminal proceedings – originally opened in 2013 – against Karen Kungurtsev for the alleged killing of Davit Hovakimyan continued during the year. On October 15, the trial court in Vanadzor acquitted Kungurtsev for a second time, but the prosecution filed another appeal on November 4, further delaying the investigation into who really killed Hovakimyan. A 2018 Court of Cassation order returned the case to trial court and released Kungurtsev on bail. Kungurtsev was originally acquitted in 2015, but in 2017 the criminal court of appeal reversed the acquittal and sentenced him to seven years in prison. The victim's family and the Helsinki Association for Human Rights continued to support Kungurtsev's claim of innocence, asserting that Hovakimyan's real killer was the son of an NSS official who used his position to influence police and prosecutors to investigate Kungurtsev. Following the resumption of the trial in 2018, two key witnesses in the case apologized to Kungurtsev and the victim's father for providing false testimony six years earlier under pressure from law enforcement officers and gave potentially exonerating testimony in support of Kungurtsev.

### **Political Prisoners and Detainees**

There were no credible reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Although citizens had access to courts to file lawsuits seeking damages for alleged human rights violations, the courts were widely perceived as corrupt. Citizens also had the option of challenging in Constitutional Court the constitutionality of laws and legal acts that violated their fundamental rights and freedoms. According to some lawyers, lower courts did not adhere to precedents set by the Court of Cassation, the ECHR, and the Constitutional Court. As a result, lower courts continued to carry out the same legal mistakes.

According to one expert cited in Hetq's February 13 report, *Delayed justice is justice denied*, going to court could not be considered effective when, due to the length of the process, a person suffered more damage from going to court, even when they won the case, than they incurred in the first place.

Citizens who exhaust domestic legal remedies may appeal cases involving alleged government violations of the European Convention on Human Rights to the ECHR. The government's compliance with ECHR decisions was mixed. The government generally complied with ECHR awards of monetary compensation and reopened some cases on which the ECHR had ruled. When ruling on a case to which a prior ECHR decision applied, courts reportedly did not often follow the applicable ECHR precedent.

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

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

Authorities may not legally tap telephones, intercept correspondence, or conduct searches without obtaining the permission of a judge based on compelling evidence of criminal activity. The constitution, however, stipulates exceptions when confidentiality of communication may be restricted without a court order when necessary to protect state security and conditioned by the special status of those in communication. Although law enforcement bodies generally adhered to legal



procedures, observers claimed that certain judges authorized wiretaps and other surveillance requests from the NSS and police without the compelling evidence required by law. By contrast there were no reports that courts violated legal procedures when responding to such authorization requests from the SIS, the Investigative Committee, or the State Revenue Committee. Human rights lawyers reported cases of wiretapping of privileged attorney/client communication as part of criminal investigations. Such wiretapping is prohibited by law.

## **g. Conflict-related Abuses**

**Killings:** At year's end authorities were investigating two unlawful killings during the intensive fall 2020 fighting involving Armenia, Armenia-supported separatists, and Azerbaijan (also see the *Country Reports on Human Rights Practices* for Azerbaijan).

The sides to the conflict submitted complaints to the ECHR accusing each other of committing atrocities. The cases remained pending with the court.

According to a joint report released in May by the NGOs the International Partnership for Human Rights (IPHR) and Truth Hounds, *When Embers Burst into Flames – International Humanitarian Law and Human Rights Law Violations during the 2020 Nagorno-Karabakh War*, there was prima facie evidence that members of ethnic Armenian armed forces unlawfully executed two wounded and captured Azerbaijani combatants. The evidence consisted of two videos. As IPHR and Truth Hounds were unable to confirm the videos' authenticity, the report stated, "If these killings are confirmed through further investigations, they would clearly violate the [International Humanitarian Law] prohibition on violence to life and person and would constitute grave breaches of the Geneva Conventions. The killings of wounded Azerbaijani soldiers would equally violate ... Armenia's Penal Code and constitute gross violations of the right to life under ... the [European Convention on Human Rights]."

On April 24, the Azerbaijani Prosecutor General's Office initiated a search in Bashlibel, Kalbajar District, Azerbaijan, for the graves of Azerbaijanis allegedly killed by Armenian armed forces in 1993. According to the Azerbaijan Prosecutor General's Office, the remains of 12 Azerbaijani civilians were found. Three

additional bodies were found in June, and another grave with multiple remains was found on August 30.

Since the November 2020 cease-fire, landmine explosions in Azerbaijani territories previously controlled by Armenia resulted in the deaths of seven Azerbaijani military personnel and 29 civilians; another 109 military and 44 civilians were injured, according to the Azerbaijani Prosecutor General's Office on December 9.

**Physical Abuse, Punishment, and Torture:** In *When Embers Burst into Flames – International Humanitarian Law and Human Rights Law Violations during the 2020 Nagorno-Karabakh War*, the NGOs IPHR and Truth Hounds reported that based on interviews with former Azerbaijani captives and a video depicting the abuse of one of the captives, “at least seven Azerbaijani prisoners of war were subjected to torture and cruel, inhuman or degrading treatment at the hands of Armenian/Nagorno-Karabakh armed forces.” The report also stated that three additional cases of mistreatment had been captured on video, although not independently verified by IPHR and Truth Hounds, and required further investigation. In one of the latter cases, the mistreatment may have resulted in the victim's death, although this was not independently confirmed. According to the report, “Systematic beatings, inhuman conditions of detention, denial of medical care and other basic needs, cruelty and humiliation described by witnesses or captured on video amounts to a grave breach of the Geneva Conventions [by Armenian/Nagorno-Karabakh forces] and the violation of the prohibition against torture and [cruel, inhuman, or degrading treatment...under the [European Convention on Human Rights].” The report also noted the alleged conduct would violate the country's penal code.

According to the same report, eight videos from social media appeared to show “the ill-treatment and despoliation of dead Azerbaijani soldiers by members of Armenian/Nagorno-Karabakh armed forces.” The videos were not independently verified, and the conduct that they purported to show required further investigation. Nevertheless, the report described the videos as constituting “prima facie evidence of multiple cases of despoliation” of the dead by Armenian/Nagorno-Karabakh forces. The report concluded, “All credible allegations of despoliation of the dead require further investigation. If proven to the applicable standard, this conduct would violate the [International Humanitarian Law] prohibition on despoliation

and degrading treatment and may also violate ... Armenia's Penal Code.”

According to the government, authorities initiated six criminal cases in December 2020 investigating actions of Armenian servicemen during the fall 2020 conflict on charges of “serious violations of international humanitarian law during armed conflicts.” Of the six cases, four involved alleged murder, torture, and inhuman treatment, one involved alleged murder and torture, and one involved alleged murder. The government combined all six cases into one criminal proceeding on June 22. The investigation was underway at year's end.

An international photojournalist documented the destruction of dozens of Azerbaijani cemeteries in Fuzuli, Agdam, Zangilan, Kalbajar, and Jebrayil with thousands of photographs. Graves were desecrated and in some instances evidence of grave robbery – such as holes dug above individual graves – was found; other sites showed evidence of destruction and exhumation by heavy construction equipment. Foreign observers visiting the Alley of Martyrs in Agdam photographed holes where bodies were once interred; one broken headstone remained in the cemetery. The vandalism of headstones left few individual graves untouched. Many graves had the carefully hewn faces of the deceased (carved into gravestones) destroyed by hammers or similar objects. Additionally, the corpses from Azerbaijani graves were exhumed and gold teeth removed, leaving skulls and bones strewn across Azerbaijani cemeteries. According to the photojournalist, Armenian graves remained virtually undisturbed.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media. While the government generally respected this right, parliament enacted several restrictions during the year, amending the law to dramatically raise the maximum civil penalties for insult and defamation in March, criminalize grave insults and obscene or foul language in July, and significantly restrict accredited journalists covering of parliament in August.

**Freedom of Expression:** Individuals were generally free to criticize the government without fear of reprisal. On July 29, however, authorities indicted Yezidi human rights activist Sashik Sultanyan under Article 226 of the criminal code, which prohibits “actions aimed at the incitement of national, racial, or religious hatred or humiliation of national dignity” for expressing his view that the government was not doing enough to protect the country’s Yezidi minority from discrimination. If convicted, he faced three to six years in prison. A group of NGOs warned the case would “hinder any public discussion of problems related to discrimination or human rights of minorities...” Human Rights Watch called the prosecution malicious and the criminal indictment spurious. On August 6, the ombudsperson stated his office shared these concerns, noting that even if some of Sultanyan’s criticisms were inaccurate, he should not be held criminally liable.

On July 30, parliament adopted legislation that makes it a crime to voice a “grave insult” or offend a person’s dignity in an “extremely indecent manner” (see details under Libel/Slander Laws, below).

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** On August 18, citing security concerns, the National Assembly’s leadership adopted changes in procedures for accrediting journalists working in parliament, restricting them to certain areas of parliament and no longer allowing them to interview lawmakers coming out of parliament chambers or approaching their offices. Even before the official changes were adopted, parliament’s administrators applied the restrictions to journalists. On August 5, for example, *Panorama.am* photojournalist Lilian Galstyan was banned from entering the National Assembly and subsequently lost her National Assembly accreditation as a result of her photo-reportage from the security checkpoint of parliament. Local media watchdogs condemned the ban and actions of parliament’s leadership, noting that such initiatives were regressive and unsubstantiated, and they undermined efforts to establish civilized relations between authorities and the media. Galstyan’s accreditation was reinstated on August 17.

On August 11, during a scuffle between parliamentarians of the ruling party and the opposition, Speaker Alen Simonyan ordered the termination of the session’s live-stream broadcast. Security officers forbade accredited journalists and videographers from filming the incident from their allocated location in parliament.

Media watchdogs condemned the speaker's move, asserting he had exceeded his authority and that citizens had the right to be informed of what was happening in parliament.

During a scuffle between parliamentarians during an August 24 parliamentary session, security officers forcibly removed media representatives from the press booth, not allowing them to continue filming. The officers threatened to deprive *News.am* news website cameraman Hayk Tonoyan of his parliament accreditation if he continued to film and, according to Tonoyan, they deleted the video of the fight. A similar incident occurred on August 25 during another fight in parliament. In a statement released on August 25, media watchdogs condemned what they described as the continuous harassment of media representatives in parliament. The statement described the restrictions as illegal actions against freedom of speech and the right of the public to be informed.

Media outlets were politically polarized. Private individuals or groups, most of whom were reportedly tied to former authorities or parliamentary opposition parties, owned most broadcast media and newspapers, which tended to reflect the political leanings and financial interests of their proprietors. The number of government-linked outlets started to grow during the year with government officials or individuals tied to them reportedly acquiring new media outlets. These outlets similarly tended to reflect the viewpoints of those tied to them.

Broadcast media, particularly public television, remained one of the primary sources of news and information for the majority of the population. According to some media watchdogs, public television continued to present news and political debates from a progovernment standpoint, although it continued to remain accessible to opposition voices. Cases of bias on public television were especially obvious during the pre-election period. Media monitoring conducted by Yerevan Press Club on the eve of the June 20 parliamentary elections indicated that the public broadcaster paid the least attention to the main opposition force (Armenia bloc) in terms of the volume of allocated airtime. The report also underlined that public television made serious inroads in introducing the culture of pre-election debates.

Social media users freely expressed opinions concerning the government and

former authorities on various social media platforms. Use of false social media accounts and attempts to manipulate media, however, continued to increase during the pre-election period but went down slightly following the elections. According to media watchdogs, individuals used manipulation technologies systematically, including hybrid websites, controversial bloggers, “troll factories,” anonymous Telegram channels, and fictional Facebook groups and stories, to attack the government. There were some reports of individuals linked with the government using fake accounts as well, although not as systematically. There was a particular spike in misinformation on COVID-19 and vaccination-related topics, which led to stronger fact-checking efforts by local watchdog organizations.

The country’s few independent media outlets, mostly online, were not self-sustainable and survived only through international donations and support, with limited revenues from advertising and subscription fees.

Media company ownership was mostly nontransparent. The country’s *Fourth Action Plan of Open-Government Partnership Initiative of the Republic of Armenia (2018-2020)* included commitments to improve ownership disclosure. On June 3, parliament adopted a series of laws on beneficial ownership disclosure that came into force on June 28. They require all limited liability companies to disclose their beneficial owners by January 2022, with media outlets having to comply by November 1.

**Violence and Harassment:** The local NGO Committee to Protect Freedom of Expression reported 18 cases of violence against journalists during the year, of which six were committed by government officials. The committee reported that 20 journalists and operators were injured. In one case a group of approximately 20 protesters harassed and assaulted RFE/RL reporter Artak Ghulyan and videographer Karen Chilingaryan in Yerevan on February 23. The journalists were broadcasting live from a rally demanding the resignation of Prime Minister Pashinyan when a group of protesters started yelling insults and curse words at them, saying that RFE/RL “will soon be closed down,” according to Ghulyan. When Chilingaryan asked protesters not to interfere with their work, the group punched and kicked Ghulyan and Chilingaryan in full view of police; this continued for five to 10 minutes before police intervened and broke up the scuffle. The journalists were bruised but not seriously injured. The attackers damaged their

equipment, breaking a camera, according to reports. The Prosecutor General's Office was investigating the incident.

Cases of officials using force against journalists or attempting to do so increased during the second half of the year. In most cases law enforcement authorities did not open criminal cases, claiming a lack of legal grounds. For example on March 18, Hakob Arshakyan, who was then minister of high-technology industry, was caught on camera punching *Irakanum.am* reporter Paylak Fahradyan in the face after the latter noticed him in a cafe and asked him what he was doing there during working hours. Arshakyan resigned following the incident but was later elected deputy speaker of parliament. The SIS did not open a criminal investigation of the incident, alleging lack of criminal grounds.

The SIS decided not to prosecute progovernment parliamentarian Hayk Sargsyan for taking the smartphone of Anush Dashtents, a reporter for opposition daily *Hraparak*, as she tried to interview him. Sargsyan took the smartphone, attempted to delete the video, and later left with it in his possession. The lawmaker defended his actions and accused Dashtents of violating his privacy. Leading local media NGOs demanded that the Office of the Prosecutor General overturn the SIS decision and order criminal proceedings against Sargsyan. "We maintain that the incident constituted an obstruction of legitimate professional activities," they said in a joint statement. "But even if the investigators did not characterize [Sargsyan's actions] in that way, illegally taking away a journalist's property, breaching the secrecy of their personal data, and coercing them not to disseminate information are sufficient grounds for holding Hayk Sargsyan accountable."

**Libel/Slander Laws:** In March the National Assembly amended the civil code to dramatically raise the maximum fines for insult and defamation offenses. Freedom House and local media watchdogs criticized the bill, saying it would "stifle media freedom and freedom of expression." The amendments came into force on October 23 after the Constitutional Court ruled them constitutional on October 5.

On July 30, the outgoing parliament passed legislation making it a crime to utter a "grave insult" or offend a person's dignity in an "extremely indecent manner." Under the amendments, which entered into force August 30, penalties include fines up to 500,000 drams (\$1,000) for a single offense of grave insult, up to one million

drams (\$2,000) for spreading a grave insult publicly or gravely insulting a person in connection with public activity, and if repeated, higher fines and up to three months in prison. The law is stricter for officials, who may also be deprived of the right to hold office. The My Step ruling faction held two readings of the draft and adopted it the same day. As of December 12, law enforcement bodies had opened 166 criminal investigations into alleged violations of the new law. On September 23, media reported that police launched the first criminal case under the new law, for writing an insulting comment under Prime Minister Pashinyan's photograph on Facebook. In another early case, opposition figure Narek Samsonyan was arrested on December 14 for a social media post he made concerning Yerevan City Council member Davit Khazhakyan of Bright Armenia.

**Nongovernmental Impact:** According to *Emergency 2020: Report on Human Rights Violations by the Police*, published by HCAV on April 28, several new antidemocratic initiatives and movements that arose together with increased civil society activity after the 2018 revolution had a chilling effect on civil society. While they positioned themselves as civil society institutes, these organizations' agendas focused on combating the promotion of human rights and democratic values and provoking hatred through violence and physical threats. Law enforcement bodies opened several investigations into the groups and some of their activities but did not prosecute any of their members.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events, and the government expressly supported academic freedom.

There were several media reports that school principals were forced to resign during the year, which some media outlets asserted was linked to their political views. According to observers, newly appointed school principals all appeared to have links with or supported the government. On August 3, the Constitutional



Court ruled unconstitutional provisions of a new law on higher education that, according to education experts, would have handed management of universities over to the government.

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

The constitution and law provide for the freedoms of peaceful assembly and association. The government generally respected these rights, but there were some restrictions.

### **Freedom of Peaceful Assembly**

While the government generally respected freedom of assembly during the election campaign, local observers reported inconsistencies throughout the year in authorities' approach toward peaceful gatherings. For example on August 23, NGOs issued a joint statement condemning police for excessive use of force when they disrupted a peaceful protest against the construction of a high-rise building in a Yerevan neighborhood. According to the statement, on August 20-21, special police units used disproportionate force against citizens, seriously injuring participants, including minors and elderly persons, two of whom were taken to the hospital. According to the statement, police violated the rights of detained citizens when they forcibly took them to a police station in a degrading manner, employing disproportionate measures and illegal procedures. One 19-year-old man was reportedly beaten in the station. Authorities initiated several criminal cases against the demonstrators, but there were no reported actions taken against the officers involved.

Freedom of assembly was restricted during the state of emergency introduced in March 2020 to curb the COVID-19 pandemic. The curbs remained in force until August 2020 when the government lifted most restrictions on assembly, permitting demonstrations, marches, and rallies so long as participants wore masks and observed social distancing requirements. Freedom of assembly also was restricted under martial law, imposed in September 2020 after the outbreak of fighting in the Nagorno-Karabakh conflict. Martial law restrictions included a ban on rallies. The restrictions were officially lifted in December 2020, and martial law ended on March 24.

On April 28, HCAV published a report, *Emergency 2020: Report on Human Rights Violations by the Police*, that examined police enforcement of the COVID-19 state of emergency and martial law restrictions. According to the report, the response of law enforcement officials to protest rallies organized by citizens was not uniform, predictable, legal, or proportionate. For example, in some cases police did not prevent rallies with many participants but simply urged participants to maintain physical distance, while in other cases – sometimes involving far fewer persons – participants were arbitrarily apprehended, sometimes even before the rally began. While only rallies, strikes, and public events with more than 20 persons were prohibited, police apprehended some individuals conducting single-person protest actions.

### **Freedom of Association**

The constitution and law provide this right, and the government generally respected it. The law limits the legal standing of NGOs to act on behalf of their beneficiaries in court on environmental issues, contradicting 2010 Constitutional Court decision that allowed all NGOs to have legal standing in court.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

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

### **e. Status and Treatment of Internally Displaced Persons**

As of December 2020, according to the international NGO Internal Displacement Monitoring Center, approximately 2,700 internally displaced persons (IDPs) of the estimated 65,000 households evacuated in connection with the 1988-94 fighting were still living in displacement. Some of the country's IDPs and refugees lacked adequate housing and had limited economic opportunities. The government did not have specific programs and policies aimed at promoting the safe, voluntary,

dignified return, resettlement, or local integration of IDPs.

According to the government, the fall 2020 fighting displaced approximately 100,000 individuals from Nagorno-Karabakh and the surrounding territories, although some reportedly returned to their residences. As of August the Office of the UN High Commissioner for Refugees (UNHCR) estimated that approximately 37,000 of these displaced individuals remained in the county.

## **f. Protection of Refugees**

Authorities cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

**Access to Asylum:** The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. During the COVID-19 state of emergency from March through September 2020, an electronic asylum system was introduced. In September 2020 the Migration Service returned to normal operation.

Applications to reopen closed asylum cases were treated as repeat applications requiring new elements, a practice that hindered access to asylum. While processing cases of individuals in detention was suspended temporarily in early 2020 due to the COVID-19 state of emergency, the processing of other cases continued. As of August, however, the cases of some applicants in detention remained suspended.

The law accounts for specific needs of asylum seekers who are children, persons with mental disabilities, and trauma survivors and allows detention centers to receive asylum applications. Authorities generally enforced the law, but only to the extent scarce resources allowed. Applicants with specific needs were mainly supported by UNHCR through its partner NGOs. Refugees who were not ethnic Armenians could apply for facilitated naturalization, which requires passing a constitutional knowledge test. Such citizenship, however, was rarely granted.

Shortcomings in asylum procedures included limited state funding for interpreters and deficiencies in training and capacity of eligibility determination officers, with

no sustainable quality assurance mechanism and a lack of professional development of staff. Asylum seekers expressed concern regarding their access to legal aid. While the law provides for free legal assistance to asylum seekers through the Office of the Public Defender under the Chamber of Advocates, legal, capacity, and operational constraints reportedly hindered the exercise of this right. Legal aid to persons filing their initial asylum applications was limited to the provision of information and counselling, while legal assistance and representation were available to asylum seekers appealing negative asylum decisions. Legal representation at initial asylum hearings was available in only a limited number of cases and only when it was provided by the UNHCR partner NGO. Due to serious systemic constraints, including insufficient and inexperienced staff at the Public Defender's Office and a lack of interpreter services, asylum seekers reportedly experienced serious difficulties accessing quality legal assistance when they attempted to appeal negative asylum decisions.

Judges exhibited more conservative approaches towards asylum claims, often referring to national security considerations in the abstract and rejecting appeals without thoroughly assessing asylum claims. As a result, unsubstantiated rejection of asylum claims for lack of credibility became more common. While procedures for determining refugee status improved over the past decade, there were concerns over how judges applied basic asylum concepts and the subjective attitudes of staff in assessing religion-based claims. Although some judges received additional training on asylum matters and practical implementation of decisions during the year, asylum cases continued to be assigned to judges lacking in-depth knowledge of relevant law. Judicial review remained a lengthy process as judges remained overloaded with cases.

In May the National Assembly amended the Law on Refugees and Asylum and the administrative procedure code to accelerate asylum procedures for applicants who crossed the border irregularly, were subject to outstanding requests for their extradition, or were subject to criminal prosecution in Armenia; the amendments entered into force in August. Given the obstacles faced by asylum seekers who attempt to obtain legal aid, some experts were concerned that the accelerated procedures could make it more difficult for some asylum applicants to achieve effective remedies.

Authorities continued to offer ethnic Armenians from Syria who remained in the country a choice of protection options, including expedited naturalization, a residence permit, or refugee status. Quick naturalization gave persons displaced from Syria the same legal right to health care and most other social services as other citizens. Many of the countrywide reforms, such as provision of increased social services, higher pensions, and more accessible health care also benefited refugees who became naturalized citizens.

Refugees who are not ethnic Armenians could apply for facilitated naturalization, which requires passing a test focused on knowledge of the constitution. UNHCR had no information of citizenship being granted in such cases.

**Refoulement:** There were several instances of alleged forced returns of Azerbaijanis who had sought asylum in the country.

**Abuse of Migrants, Refugees, and Stateless Persons:** There were reports of nonsystemic discrimination in the acceptance of applications and in detention of asylum seekers based on the country of origin, race, or religion of the asylum seeker, as well as difficulties with integration. Civil society contacts reported discriminatory attitudes and suspicion directed towards foreign migrants seeking employment.

Between January and August, seven foreigners seeking asylum were detained due to foreign extradition requests, and another asylum seeker was detained due to irregular entry and an extradition request. As of July, 11 asylum seekers were in detention, including five from Georgia; others were from Turkey, India, Russia, and Iran.

The law allows detention centers to receive asylum applications. Despite a provision in the law exempting asylum seekers from criminal liability for irregular border crossing, authorities required them to remain in detention pending the outcome of their asylum applications or to serve the remainder of their sentences. The new criminal code adopted by parliament in May reflected the nonpenalization clause of the 1951 Refugee Convention, specifically under the articles on irregular crossing of the state border and use of falsified documents. The criminal code was scheduled to come into force in July 2022.

**Access to Basic Services:** Many asylum seekers were unable to work or receive an education while their cases worked their way through the legal system, despite legal provisions protecting these rights, due to a lack of job openings, difficulty in accessing opportunities, and language barriers. Language differences created barriers to employment, education, and access to services otherwise provided for by law. The government reception center and integration house (a refugee housing facility where some asylum seekers were accommodated) provided some Armenian and Russian language classes.

Housing allocated to refugees was in limited supply, in poor condition, and remained, along with employment, refugees' greatest concern. During the COVID-19 pandemic, close quarters in the refugee center (a housing facility where some asylum seekers were accommodated) also gave rise to fears of infection, although no COVID-19 cases were reported in the center during the year. Many displaced families relied on a rental subsidy program supported by UNHCR and diaspora organizations, which experts noted was only a temporary solution. Authorities operated an integration house with places for 29 refugees and offered refugees accommodation free of charge during the first months after they acquired refugee status. The conditions of public shelters were often substandard, which caused tensions among the refugees, as some of them received rental subsidy assistance and resided in private accommodations.

Overall, observers assessed refugee and asylum-seeker access to the health-care system as adequate but noted that asylum seekers faced difficulties because they did not have access to the e-health ArMed system, largely due to language barriers. This system permitted advance registration for medical examinations and services and provided information regarding vaccination records that were required for individuals' travel outside of the country. One service provider noted that some institutions, such as polyclinics, banks, and private employers, did not recognize the Convention Travel Document (issued by Armenia to show that the holder is a refugee and has been granted asylum) as an identification document.

Access to education for many refugees was difficult due to language differences. Other barriers included expenses related to transportation, school supplies, and clothes and bullying by other students.

**Durable Solutions:** The government accepted refugees for resettlement and offered naturalization to refugees residing on its territory. In May the government adopted the *Conceptual Framework for the State Management of Migration* that envisaged development of the *2021-31 Integration Strategy* and its action plan for 2021-26. The framework also offered integration programs to returnees from West European countries who either voluntarily returned or were deported by the host country.

### **g. Stateless Persons**

According to official data, as of June 30, there were 892 stateless persons in country. There was limited information available on the number, geographic locations, and profile of stateless persons, persons at risk of statelessness, and undocumented persons. The citizenship law provides for the provision of nationality to stateless children born on the country's territory. Amendments to the citizenship law were adopted by parliament on December 8 and were scheduled to come into force on June 25, 2022. The amendments were intended to help close the remaining gaps related to the naturalization of persons displaced from Azerbaijan in the 1990s as well as loss of citizenship issues.

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

The constitution and laws provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** On June 20, the country held snap parliamentary elections in which fundamental rights and freedoms were generally respected and contestants were able to campaign freely. Elections were preceded by a short and heated campaign marked by harsh and inflammatory language. The elections occurred amid heightened tensions and polarization following the fall 2020 intensive fighting in the Nagorno-Karabakh conflict and the controversial November 2020 cease-fire statement. In the June elections, Nikol Pashinyan's Civic Contract party won approximately 54 percent of the vote and the majority of seats in the National

Assembly, falling one seat short of a two-thirds constitutional majority.

The Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) election observation mission reported, "Fundamental rights and freedoms were generally respected, and contestants were able to campaign freely." The October 27 final report noted that amendments to the electoral code made in April and May "had been publicly debated... and were supported by most political parties and civil society groups, and public outreach on the proposed electoral reforms was largely perceived as inclusive. However, the late adoption by parliament and subsequent entering into force of the amendments left limited time for the implementation of regulations and raising voters' awareness of the new procedures." ODIHR reported that while its observers assessed the territorial election commissions as generally professional and transparent in their conduct, the commissions did not publish their decisions online, nor did they uniformly post them for public display, contrary to legal requirements. ODIHR also noted that central and territorial election commission members expressed concern that many of the party-nominated precinct election commission members, especially those serving as chairpersons and secretaries, "lacked the sufficient education and experience to effectively perform their tasks."

The final ODIHR report also noted that "high levels of harsh, intolerant, inflammatory and discriminatory rhetoric in the period leading up to election day tainted the debate." Other shortcomings identified by ODIHR included incidents of pressure by political actors and employers on private-sector and public employees to attend campaign events, a number of allegations of vote buying, blurring of the line between the ruling party and state, allegations of the misuse of administrative resources, continued shortcomings regarding campaign finance, notably the absence of organizational expenses in the legal definition of campaign expenditures, and the narrow legal standing for submitting electoral complaints.

There were allegations of electoral bribes during the campaign, and law enforcement bodies launched 67 criminal cases in this regard. As of October 15, 35 persons were facing criminal charges related to electoral bribes.

**Political Parties and Political Participation:** The law does not restrict the registration or activity of political parties.



In its final report, the ODIHR observation mission stated, “Allegations of misuse of administrative resources also persisted throughout the campaign and were not sufficiently or uniformly addressed.” ODIHR observers received such reports from four of the country’s 10 regions and Yerevan. Other observers noted complaints that “administrative resources” were reportedly employed by both progovernment and opposition forces.

There were incidents of violence involving political figures. For example after the June 20 snap elections, Lori governor Aram Khachatryan publicly urged mayors who had supported the opposition to resign, claiming Civil Contract’s victory amounted to a vote of no confidence in opposition-linked community heads. Mayor of the Lori region’s Odzun village Arsen Titanyan, who had supported the opposition, accused Khachatryan of assaulting him in connection with Khachatryan’s calls for him to resign. Khachatryan denied the claims. A local civil society observer noted that the conflict between the governor and mayor also involved reports of vote buying in Odzun. A criminal case was launched into the alleged assault, but on September 22, media reported that the SIS had dropped the case.

Violence also occurred between members of the National Assembly. For example on August 24, a scuffle between parliamentarians broke out after Speaker Alen Simonyan ordered the removal of opposition parliamentarian Anna Mkrtchyan for calling the prime minister a “capitulator,” in reference to the 2020 cease-fire arrangement in the Nagorno-Karabakh conflict. Another fight broke out in parliament on August 25, after Armenia faction head and former defense minister Seyran Ohanyan threw a water bottle at Civil Contract member Hayk Sargsyan. The latter had called former defense ministers who had allowed for exemptions to army service via telephone calls “traitors.” This scuffle was soon followed by a larger brawl, initiated when Civil Contract members of parliament hit several Armenia faction members of parliament. A human rights activist asserted that security officers intentionally delayed responding to the incident.

During the campaign and following the June parliamentary elections, Pashinyan claimed his party would employ a “steel mandate,” strictly prosecuting those who violated the law. The opposition and some independent human rights observers asserted such prosecution largely targeted the prime minister’s opponents. After

the parliamentary elections, four opposition-linked former or current mayors in Syunik Province were arrested for various alleged crimes related to abuse of power, fraud, or bribes. As the mayors had openly opposed Pashinyan, their arrests raised questions related to potential selective application of the law and political motivations, as well as questions related to the necessity of pretrial detentions. Former mayors of Meghri and Sisian, Mkhitar Zakaryan and Artur Sargsyan, were elected to parliament but were not released from custody in a move that opposition figures asserted was not in keeping with their parliamentary immunity. They were released after the Constitutional Court ruled on December 7 that any citizen automatically gains immunity after being elected to the National Assembly and cannot be arrested or detained without the National Assembly's consent. Kajaran mayor Manvel Paramazyan, who also was arrested in the wake of the June parliamentary elections, was released on bail, while the re-elected mayor of Goris, Arush Arushanyan, remained in custody as of year's end.

Reports of political pressure on local officials continued through year's end. For example in December, several Civil Contract members of the Yerevan City Council reportedly were pressured to vote in support of a no-confidence measure to oust Yerevan mayor Hayk Marutyan under threat of losing their government jobs or mandates. A former ally of Prime Minister Pashinyan, Marutyan was voted out on December 22.

There were reports of pressure on opposition candidates prior to and after the municipal elections from October to December in a number of localities, including Goris, Jermuk, Meghri, Tatev, Talin, Tegh, Vanadzor, and Vardenis. For example on December 15, former mayor of Vanadzor and opposition candidate for mayor Mamikon Aslanyan was arrested on charges of abuse of power and fraud stemming from a criminal case launched in September. The arrest came immediately after Vanadzor municipal elections, in which Aslanyan's bloc received a plurality of votes and was in the process of discussions to form a city council government. Many commentators believed that, due to the timing, the arrest was politically motivated and constituted selective application of the law against the ruling party's political opponent, even if the case had merits. They also questioned the necessity of pretrial detention in this case. For example, prominent human rights defender Artur Sakunts, head of HCAV, characterized the move as part of "a new KGB-like

style, when a dossier [of disparaging information] is being developed on an individual and used [against him] only when necessary for political reasons.”

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of minority groups in the political process, and they did participate. Under the amendments to the electoral code approved during the year, women and men must each account for at least 30 percent of candidates in the National Assembly elections, an increase from the previous quota of 25 percent. ODIHR election observers reported that in the June 20 elections, all lists fully complied with the gender requirement, with women accounting for 37 percent of the 2,623 candidates for office. The patriarchal nature of society, however, inhibited large-scale participation by women in political and economic life and in decision-making positions in the public sector. Women held one of 15 cabinet positions, 10 percent of the seats in local legislatures, and approximately 37 percent of seats in the National Assembly – an increase from the approximately 23 percent of the seats they held in the previous National Assembly session. Whereas there was one female deputy speaker and one female faction head in the previous session, there were none in the National Assembly elected in June. There was one female governor in the country’s 10 regions.

Parties rarely featured women candidates in their campaigns (although one female head of a political party ran in the elections); women only occasionally campaigned on their own and rarely appeared as speakers in rallies. Female parliamentarians and other female officials often faced gender-related insults. In its report on the June elections, the ODIHR election mission stated, “Women were notably sidelined in campaign events, rarely participating as speakers.” The report noted that only 24 of 153 observed speakers during rallies were women and that 51 of 73 observed campaign events had no female speakers. There was an observable absence of messages targeting women and national minority groups during the campaigns.

The law provides an additional National Assembly seat for each of the country’s four largest ethnic minorities, the Yezidi, Kurdish, Assyrian, and Russian communities. Four members of parliament represented these constituencies and are chosen by the major political parties and not directly elected.

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

The law provides criminal penalties for official corruption. Following the 2018 “Velvet Revolution,” the government opened investigations that revealed systemic corruption encompassing most areas of public and private life. The government launched numerous criminal cases against alleged corruption by former high-ranking government officials and their relatives, parliamentarians, the former presidents, and in a few instances, members of the judiciary and their relatives, with cases ranging from a few thousand to millions of dollars. Many of the cases continued, and additional cases were reported regularly. The government also initiated corruption-related cases against several current government officials and members of the judiciary.

In addition to integrity checks of nominees, the Corruption Prevention Commission exercised its powers to review sitting judges’ asset declarations and to communicate to law enforcement information that may indicate a crime. As a result, three disciplinary, three administrative, and one criminal case had been initiated.

Authorities took measures to strengthen the institutional framework to fight corruption, including establishing the Anticorruption Committee, which served as the primary law enforcement body dealing with corruption. The committee began operations in October and initiated several cases, such as charging former chief of police Vladimir Gasparyan with legalizing criminally obtained property worth more than two billion drams (\$4.1 million) and other criminal acts.

**Corruption:** The country had a legacy of systemic corruption in many areas, including construction, mining, public administration, parliament, the judiciary, procurement practices, and provision of state assistance. There were allegations of embezzlement of state funds and involvement of government officials in questionable business activities.

On September 7, the SIS arrested Aghvan Hovsepyan, the former prosecutor general and former head of the Investigative Committee. According to the SIS, Hovsepyan illegally engaged in entrepreneurial activities while holding public

office, engaged in laundering of approximately 1.3 billion drams (\$2.6 million), received a bribe in the amount of 190 million drams (\$2.1 million), and seized property through fraud valued at 800 million drams (\$1.6 million). At year's end an investigation remained underway and Hovsepyan remained in pretrial detention.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Most domestic and international human rights groups generally operated without government restrictions, freely investigating and publishing their findings on human rights cases. The government's prosecution of a Yezidi human rights defender, however, was a significant exception (see section 2.a.). While some government officials cooperated with and were responsive to their views, civil society organizations said that meetings with government officials (both online and in person) were few and the government ignored or did not seek NGO expert views in several important areas, such as freedom of speech and of the press. In other areas, such as reforms to foster an impartial, independent judiciary, the government collected civil society reports and recommendations, but it was unclear to what extent the recommendations were considered. The government did not act to protect civil society organizations from disinformation or threats, including threats to harm individual activists.

During the period preceding the June 20 parliamentary elections, politicians made statements threatening to restrict human rights NGO activities. For example former president Robert Kocharyan, who led the list of the Armenia Alliance, which became the largest opposition group in the National Assembly after the elections, stated that "the activities of 'Soros offices' [would] either be banned or severely restricted" if the Armenia Alliance controlled government. Individual human rights activists interpreted such statements by candidates as threats against their persons. In a trend that continued to grow through the year, human rights and other civil society organizations as well as individual human rights advocates engaged in election observation continued to be vilified and threatened, including receiving death threats. The government reportedly did not act to protect them from such threats. Some journalists who promoted democratic reforms also

received threats.

The investigation into the November 2020 attacks on the offices of Radio Free Europe/Radio Liberty and the Open Society Foundation-Armenia continued as of year's end; the investigation into the November 2020 attack on the HCAV office was dropped after it was determined that damages did not cross a minimum legal threshold. Law enforcement authorities declined to combine the HCAV and Open Society Foundation cases, as HCAV had requested, which would have allowed the case to cross the threshold.

NGO members also continued to report increasing threats to their persons. One human rights activist reported that a photograph of her in the crosshairs of a target was posted in the apartment building where she lived. Intimidation also came from online trolls, media outlets, malign news outlets, and nationalist groups, many of which were affiliated with the former government and, some local experts alleged, Russian actors. Especially targeted were those promoting human rights, women's and children's rights, and deeper law enforcement and judicial reforms, particularly the Open Society Foundation.

After human rights activist Sashik Sultanyan gave an interview in which he described the challenges facing the Yezidi community in the country, authorities indicted him on July 29 for allegedly "inciting hatred." International human rights organizations called Sultanyan's remarks clear examples of legitimate protected speech and termed the prosecution malicious and a threat to democracy, concerns shared by the ombudsperson. They also noted procedural problems in the case, in particular that investigators refused to provide Sultanyan with information concerning the investigation or the grounds for opening it. One individual, interviewed as a witness in the case, reported that an investigator told him, "Western NGOs must be shut down."

In a trend that began in 2020, increasing numbers of academics and other opinion leaders, including those advocating human rights, became reluctant to express their opinions in public, particularly online, due to hate campaigns. As a result constructive discourse around human rights and other important matters generally decreased. The government did not employ legislation adopted in 2020 that criminalizes public calls for violence to prosecute calls to harm civil society actors.

**Government Human Rights Bodies:** The Office of the Human Rights Defender (the ombudsperson) has a mandate to protect human rights and fundamental freedoms from abuse at all levels of government. The office operated with independence and served as an effective advocate on individual cases. The office declined, however, to take on some cases related to LGBTQI+ persons.

In 2019 the government approved the *Judicial and Legal Reform Strategy for 2019-2023* and action plan for its implementation that envisage the creation of a fact-finding commission to examine human rights problems. Although legislation to establish the commission was drafted, parliament had not yet adopted it. Human rights groups accused the ruling party of lacking the political will to establish the commission.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape is a criminal offense, and conviction carries a maximum prison sentence of 15 years; general rape statutes apply to the prosecution of spousal rape. Domestic violence was prosecuted under general statutes dealing with violence and carried various sentences depending on the charge (murder, battery, light battery, rape, etc.). Overall, law enforcement bodies did not effectively investigate or prosecute allegations of domestic violence. Although police responded to domestic violence cases, few were successfully prosecuted. Domestic violence against women was widespread. For example on August 11, a 33-year-old Yerevan resident reportedly went to his former wife's residence and killed her with a knife. According to media reports, he then turned himself in at the Shengavit Police Department and confessed to the crime. He was arrested on suspicion of murder. According to some officials, the absence of a definition of domestic violence in the criminal code hampered their ability to fight it.

In March 2020 the Ministry of Justice launched a two-year campaign to raise awareness of domestic violence and encourage the public to call police to report signs of domestic violence. The campaign included public service announcements, two social experiments (to see if individuals would react to signs of domestic

violence and call for help), posters, and a social media campaign that reached more than 4.2 million viewers.

Narrow definitions in the law against family violence prevented abuse survivors who were not married or in common-law relationships with their partners from receiving protection and support under the law. The new criminal code adopted on May 5 and scheduled to enter into force in July 2022 would introduce the concept of violence by an intimate partner but does not define domestic violence.

According to the NGO Coalition to Stop Violence against Women, while the law addresses prevention of domestic violence and protection of victims, there are no provisions on the punishment of abusers. During the year the government continued to support two domestic violence survivor support centers, available to women from throughout the country.

According to the Coalition to Stop Violence against Women, the law's failure to include lack of consent in definitions of sexual violence crimes left many coerced sexual acts unpunished. There were reports that police, especially outside Yerevan, were reluctant to act in cases of sexual and domestic violence and discouraged women from filing complaints. According to the Sexual Assault Crisis Center NGO, the investigation of sexual violence cases did not differ from the investigation of any other criminal case in terms of secrecy, investigator sensitivity, or number of interrogations, and survivors were obliged to testify or otherwise participate in investigations multiple times, including in face-to-face encounters with their abusers. In reports on standard forensic examinations into alleged rape, the expert reportedly addressed whether the subject was a virgin. Most domestic violence cases were considered by law as offenses of low or medium seriousness, and the government did not hire enough female police officers and investigators for fieldwork to address these crimes appropriately.

According to the Coalition to Stop Violence against Women, gaps in legislation and improper enforcement of the law made it difficult for domestic violence survivors to access services. Police continued to offer warnings to abusers without taking any measures of protecting the survivor. Police may grant emergency protective orders, for up to 20 days, when one member of a family has committed violence against another and there is a reasonable belief of imminent risk of repeated violence; individuals must apply to a court for longer-term protective orders.



Violations of emergency protective orders and court protective orders are not punishable. While the law provides that emergency orders may be given for up to 20 days, in practice there were cases where restrictive orders were issued for as little as one day. Similarly, the law provides that protective orders should be issued within 10 working days, but often courts took one or two months to issue them.

In December 2020, after a three-year trial, the court sentenced Vladik Martirosyan to 19 years in prison for attacking his former wife, Taguhi Mansuryan, and her parents with an axe in 2016. Mansuryan's mother died as a result of the attack, while Mansuryan and her father were gravely injured. The Coalition to Stop Violence against Women expressed its hope that, following years of light sentencing of domestic violence perpetrators, the sentence could be a turning point in achieving justice for victims.

As a result of the intensive fall 2020 fighting in the Nagorno-Karabakh conflict, approximately 100,000 persons were displaced into Armenia, an estimated 25,000 to 35,000 of whom were expected to remain in the country permanently, the majority of them women and girls. The fighting exacerbated the country's deeply rooted gender inequities. Women and girls directly impacted by the fighting, including women and girls displaced from Nagorno-Karabakh and family members of those who were killed, injured, or missing in the fighting, were among the most vulnerable groups and were at imminent risk of further marginalization, exploitation, and gender-based violence.

Activists and NGOs that assisted victims of domestic violence or promoted gender equality were frequent targets of hate speech and criticized for allegedly breaking up "Armenian traditional families" and spreading "Western values."

**Sexual Harassment:** Although the law addresses lewd acts and indecent behavior, it does not cover all the elements of sexual harassment. The law considers "sexual harassment" as a form of gender-based discrimination, including acts of a sexual nature having a verbal or physical manifestation or any situation aimed at humiliating dignity, intimidation, hostility, or degradation. It does not include reference to quid pro quo elements, such as demands that an individual agree to a sexual demand to receive a benefit at work or in another context. The

labor code does not have any reference to sexual harassment, and there is no specific law prohibiting sexual harassment in the workplace or providing criminal penalties or civil remedies for sexual harassment in the workplace.

Observers believed sexual harassment of women in the workplace and the political arena was widespread and was not adequately addressed by the government. There is no confidential and secure system for submitting complaints on sexual harassment in the workplace, a taboo topic that was not covered in government awareness-raising campaigns or the *Gender Equality Strategy and Plan of Actions for 2019-2023*.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

In its June submission to the Committee on the Elimination of Discrimination of Violence against Women (CEDAW), two NGOs, the Women's Resource Center (WRC) and the Sexual Assault Crisis Center, reported a lack of access to appropriate and safe sexual and reproductive health-care services for women from marginalized groups. The state did not ensure accessibility of health services in remote rural areas, including emergency gynecological care, and did not ensure that health workers received adequate and continuing training on sexual and reproductive health practices with special attention to marginalized groups of women, including lesbian, bisexual, and transgender women; women with HIV; and Yezidi women. According to a different WRC report, during the COVID-19 pandemic and the fall 2020 fighting, women's access to sexual and reproductive health services worsened, especially for those in vulnerable groups and women with disabilities.

Physical barriers, a lack of accessible information and communication, inaccessible training or treatment equipment, and health-care professionals who lacked relevant knowledge limited the access of women with disabilities – especially those in the rural areas – to health services, including sexual and reproductive health-care services. There were no sign language interpreters in medical institutions, and women therefore had to find a corresponding specialist, which was an expensive service. Persons with hearing and visual disabilities and persons with intellectual disabilities had no access to alternative formats for health-care-related information.

Cultural barriers continued to impact access to sexual and reproductive health services. There were no government policies preventing individuals' ability to be informed and access sexual and reproductive health services.

Emergency healthcare was available to manage any complications resulting from abortion. There were no government programs to provide access to sexual and reproductive health services for survivors of sexual violence.

**Discrimination:** Men and women enjoy equal legal status in all spheres, but discrimination based on gender was a problem in both the public and private sectors. There were reports of discrimination against women with respect to occupation, employment, and pay. The law does not prohibit discrimination in access to credit based on sex.

**Gender-biased Sex Selection:** Despite legislative changes banning such practices and related public-awareness campaigns, data on newborns continued to indicate a skewed sex ratio at birth. According to the Statistical Committee of Armenia, the boy-to-girl ratio at birth in 2020 was 110 to 100. Women's rights groups considered gender-biased sex selection practices as part of a broader problem of gender inequality in the country.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution prohibits discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, political opinion, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. The criminal code prohibits unequal treatment of persons based on the above grounds, including ethnic origin, if such treatment causes damage to human rights and the lawful interests of a person, and views the same act committed by officials as an aggravating circumstance.

Government enforcement of the law was uneven. For example, while authorities investigated more than 100 criminal cases related to alleged violence or harassment by Azerbaijanis against Armenians, the government failed to investigate allegations regarding human rights abuses against Yezidis. Instead, the government charged Yezidi activist Sashik Sultanyan with inciting hatred for comments he made raising human rights concerns regarding the treatment of the

Yezidi community (see section 5). Individual Yezidis periodically reported facing discrimination, including in cases involving property disputes. There were isolated reports of societal discrimination against persons of color and graffiti using derogatory terms for them.

Following the border closure between Armenia and Azerbaijan in 1991, inflammatory rhetoric and hate speech became increasingly prevalent, particularly as an entire generation grew up without interactions with the other side. Reports of anti-Armenian hate speech in Azerbaijan fueled intolerance and hatred of Azerbaijanis within Armenia.

On December 7, the International Court of Justice issued provisional measures against both Armenia and Azerbaijan regarding claims and counterclaims of violating the International Convention on the Elimination of All Forms of Racial Discrimination. The court ruled that Armenia “shall...take all necessary measures to prevent incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin.” The court also ruled that both countries “shall refrain from any action which might aggravate or extend the dispute before the court or make it more difficult to resolve.” Both countries were also directed to “take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination” against the other (also see the *Country Reports on Human Rights Practices* for Azerbaijan).

## **Children**

**Birth Registration:** Children derive citizenship from one or both parents. A centralized system generated a medical certificate of birth to make avoidance of birth registration almost impossible. A low percentage of births were registered in Yezidi and Kurdish communities practicing homebirths.

**Education:** Although education is free and compulsory through grade 12, in practice it was not universal: participation, completion, and dropout rates of students varied based their socioeconomic status and place of residence. These inequalities were exacerbated by the COVID-19 pandemic and an influx of populations displaced from Nagorno-Karabakh into the country. Schools in host

communities struggled to handle children displaced from Nagorno-Karabakh, many of whom transferred between multiple schools during the year.

Enrollment and attendance rates for children from ethnic minority groups, in particular Yezidis, Kurds, and Molokans, were significantly lower than average, and dropout rates after the ninth grade were higher. Only a few schools throughout the country offered Yezidi, Assyrian, Kurdish, or Greek language classes at the primary and secondary level. These classes were not part of the formal academic curriculum and were not regulated. Yezidi parents continued to complain that the classes did not adhere to any standards and were largely ineffective.

According to a 2019 NGO report to the UN Committee on the Rights of the Child, most Yezidi children grew up speaking their native tongue and had little or no command of Armenian upon entering schools. The absence of preschool educational services in most Yezidi villages created problems for Yezidi children, who struggled in school and fell behind their Armenian-speaking classmates.

As of May 31, UNHCR reported that 34,168 persons recently displaced from Nagorno-Karabakh were living in the country in a refugee-like situation. In July the local Institute of Public Policy presented a report assessing the education and protection needs of displaced children, who made up almost 40 percent of the displaced population. According to the report, the arrival of displaced children presented a variety of problems, including inadequate assessment of children's educational needs, unclear data on children no longer in school, as well as children who had long-term gaps in their education. According to the report, multiple moves accompanied by school transfers exacerbated the stress and anxiety suffered by displaced children and hindered their inclusion in the education system.

The report noted that the attitude of teachers and local children and their parents, which included both negative and extremely positive stereotypes, differentiated displaced children and hindered their integration into the school environment. Neither host communities nor schools conducted effective, coordinated efforts to help displaced children adapt to their new environment. Children with special educational needs encountered more serious difficulties during the adaptation process. According to the report, as of July the problem of adapting to the new environment was largely left to members of the displaced community themselves

without systematic professional support by authorities in the areas of education and psychological counseling.

**Child Abuse:** The Law on Child's Rights prohibits abuse, and the criminal code prescribes punishments for such abuse.

The burden of stress caused by the 2020 fighting and the COVID-19 pandemic increased the risk of violence against children, especially emotional abuse and neglect, as well as sexual exploitation and sexual abuse. State-run services had limited capacity and resources for protection and improvement of mental health and psychosocial well-being of children and their caregivers.

According to observers the government prioritized combatting violence against children and took steps to address it, although violence against children continued to be reported and gaps in both legislation and practice remained. In February for example, media outlets reported the case of an 18-month-old toddler who died of injuries as a result of continued beatings by his stepfather, mother, and grandmother.

The government's *National Strategy for Human Rights Protection* for 2020-22 and action plan included actions to prevent family-based violence against children, including penalization of family-based violence, establishment of support centers for victims of family-based violence, and an explicit prohibition of corporal punishment. Actions during the year included the training of 125 military officers on human rights, and the training of 149 police officers on issues related to domestic violence and violence against women. The Minister of Labor and Social Affairs ordered social-psychological care for individuals who had been flagged in cases related to violence against elderly persons with disabilities. Awareness-raising activities were conducted on a range of issues, such as promoting awareness of the rights of persons with mental health problems through new posters in all of the country's psychiatric institutions. A commission was established to identify problems and help further develop the Joint Social Service System, launched in September 2020, to include integrated social services to vulnerable families. In accordance with the action plan, a variety of legal amendments were drafted during the year on issues ranging from ensuring children's rights to labor rights.

According to observers, psychological and physical violence were widely used to discipline both boys and girls, and there was a lack of state supported positive parenting programs. Indirect data showed that peer-to-peer violence was common in schools, with no mechanisms in place to address it. Gender inequality and stereotyping also contributed to violence against both girls and boys and created barriers to access to justice for victims. Complex regulations on referrals and reporting within the child protection system, together with an unclear division of duties and responsibilities within the system, resulted in ineffective responses to violence against children. Legislation to implement the 2017 law on prevention of family violence had not been adopted by year's end.

According to observers, two-thirds of the sexual crimes in the country were against minors. In 2020 the Investigative Committee examined 328 crimes against children, almost a quarter of which involved sexual violence. Observers believed the incidence of sexual violence was higher, since the strong stigma around such violence discouraged reporting by victims and their families.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18, although an individual may marry at 17 with the consent of the legal guardian or at 16 with the consent of a legal guardian, provided the marriage partner is at least 18. Early marriage of girls was reportedly widespread within Yezidi communities. Reports indicated some girls left school either as a consequence of early marriage or to avoid abduction and forced marriage. The government did not record the number of early marriages. According to the Eurasia Partnership Foundation's 2020 report *Issues Related to the Rights and Opportunities of Yezidi Girls Residing in Armenia*, the government did not have procedures for identifying forced marriages or awareness or prevention programs related to early marriage. According to the government, it launched awareness-raising programs.

**Sexual Exploitation of Children:** The law prohibits the sexual exploitation of children and provides for prison sentences of seven to 15 years for conviction of violations. Conviction for child pornography is punishable by imprisonment for up to seven years. The minimum age for consensual sex is 16. In June 2020 the government established a referral mechanism for child victims of trafficking and exploitation.

According to NGOs, although official statistics showed relatively few cases of sexual exploitation and sale of children, there were numerous undetected and unreported cases caused by gaps in legislation, training, awareness raising, detection, and reporting.

**Institutionalized Children:** On August 4, the Ombudsperson's Office reported on problems it observed during a July 27 visit to the Mari Izmirlyan orphanage for children with disabilities. According to the office, the students' care, as well as their leisure and living conditions, violated the dignity of children. Among other problems, the office reported overcrowded conditions that interfered with children's eating, sleeping, and leisure and led to tension and arguments between residents. The office also found problems with the children's education. At the time of the visit, 47 of the institution's students were officially attending general and special educational institutions, while 38 were receiving home schooling inside the orphanage. Private conversations with the children revealed that some of those enrolled in public schools were afraid of stigma and discrimination and did not attend classes, while home schooling was nominal. There was a lack of nurses and staff to care for the residents.

In his annual 2020 report, the ombudsperson also raised the problem of children with disabilities who remained in orphanages after turning 18 because they had not acquired the skills for independent living. Government programs to address the problem, e.g., provision of apartments to graduates from orphanages, were piecemeal and did not offer systemic solutions.

The government continued to prioritize deinstitutionalization of childcare and increasing family-based care. In April 2020 the government approved the *Comprehensive Program on Implementation of the Right of the Child to Live in a Family and of the Right to Harmonious Development* with a corresponding action plan to implement the program for 2020-2023. Its implementation was hampered by the COVID-19 pandemic and the impact of the 2020 fighting in the Nagorno-Karabakh conflict. Some of population displaced from Nagorno-Karabakh resided in state-run institutions.

The number of children with disabilities in residential and educational institutions remained high, and children with disabilities continued to be less able to access



community-based and family-type care options. Nonresidential services for children with disabilities and expansion and accessibility for children and families remained a government priority.

Awareness raising and capacity building for emergency foster care was conducted in Gegharkunik, Syunik, and Vayots Dzor regions. Authorities earmarked funds for approximately 100 children in foster families during the year.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

Observers estimated the country's Jewish population at between 500 and 1,000 persons. Prior to fall 2020 fighting in the Nagorno-Karabakh conflict, no anti-Semitic acts had been reported, although some anti-Semitic comments appeared in social media, denigrating government representatives and activists. The government did not condemn such anti-Semitic comments.

The fall 2020 fighting contributed to a rise in anti-Semitism, including the number of anti-Semitic social media posts, according to members of the Jewish community and other observers, who largely attributed the trend to Azerbaijan's use of Israeli-origin weapons during the fighting. As of September some members of the Jewish community continued to report anti-Semitic comments directed at them, often on public transport.

On February 12, the Hebrew and Armenian sides of Yerevan's Holocaust and Genocide Memorial were defaced for the third time in five months. In contrast to similar incidents in 2020, government officials quickly criticized the act, restored the monument, and arrested the suspected vandal. According to the prosecutor's office, the case was dropped on March 31 since the perpetrator was a first-time offender who voluntarily surrendered to police, cooperated with the investigation, and showed remorse.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. On May 5, parliament adopted a law on the rights of persons with disabilities that expands the definition of disability and takes a rights-based approach. According to Human Rights Watch, the law provides for “accessibility, independent living, access to justice, and reasonable accommodation...and bans disability-based discrimination and treats refusal to provide reasonable accommodation as discrimination. The law also allows NGOs to file antidiscrimination lawsuits on behalf of persons with disabilities who, due to their health or other circumstances, cannot represent themselves in person before a court.” Discrimination against persons with disabilities remained a widespread problem, however.

The law and a special government decree require both new buildings and those that are renovated, including schools, to be accessible to persons with disabilities. Very few buildings or other facilities were accessible, even if newly constructed or renovated. Many public buildings, including schools and kindergartens, were inaccessible. Hospitals, residential care, and other facilities for persons with more significant disabilities remained substandard.

The members of the Coalition for Inclusive Legal Reforms expressed concern on the slow pace of government efforts to deinstitutionalize persons with disabilities and the government's focusing its resources on renovating buildings for institutions for children and persons with mental health disabilities instead of working to ensure that older persons and persons with disabilities were able to live independently in their communities.

On July 26, the ombudsperson issued a statement expressing grave concern regarding the involuntary treatment of patients in psychiatric hospitals. According to the statement, in all cases monitored by the Ombudsperson's Office, there were

no legal grounds for initiating involuntary treatment in any of the medical histories of the individuals subjected to treatment. Instead of properly securing informed consent for hospitalization or treatment, the hospital submitted standard applications to the court without proper justification for hospitalization in each case. Of particular concern, over time a group of patients who had initially been treated “voluntarily” under unexplained circumstances had all been designated “extremely dangerous to their surroundings,” although there were no records to substantiate this finding in their files. According to the ombudsperson, judges did not question submissions for involuntary hospitalization and based their rulings on submissions without substantiating facts. Judges appeared to issue nearly identical decisions for different individuals, suggesting the rulings were formulaic.

On August 5, in a separate statement, the ombudsperson condemned court delays in ruling on ending involuntary treatment of patients in psychiatric hospitals, calling the delays artificial. He noted that as a result of delays, persons were deprived of their liberty for days in a hospital as they awaited court action.

Although the law on general education provides for a transition from general education to inclusive education for children with disabilities by 2025, authorities continued to follow practices that were fragmented and discriminatory and did not lead to an extensive and sustainable shift in the education system or social norms. Many NGOs continued to report that mainstream schools were not physically accessible for children with disabilities, lacked accessible learning materials, and made limited effort to provide reasonable accommodations for children with disabilities. Children with hearing and visual disabilities continued to be educated in separate institutions, while public schools lacked Braille textbooks, other necessary technical equipment, and relevant specialists. Higher postgraduate and professional education continued to be inaccessible for students with disabilities.

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

employment, and education.

The Coalition for Inclusive Legal Reforms NGO documented cases in which the privacy rights of persons with disabilities were violated. In some such cases, the health information of individuals with disabilities was leaked, which was then used by opponents to publicly ridicule them. Information on the health conditions of public figures was periodically used by various public groups to attempt to demean their dignity and tarnish their business reputations, according to the coalition. The NGO assessed that this atmosphere discouraged the participation of persons with disabilities in public life.

Inaccessible public buildings often served as polling stations during elections, preventing persons with disabilities from voting. According to the OSCE/ODIHR observation mission to the June 20 parliamentary elections, approximately 67 percent of polling stations were not accessible for persons with physical disabilities and in 32 percent, the layout was not suitable for such voters.

According to the constitution persons who have been declared by the court as having no active legal capacity do not have the right to vote or be elected. In December 2020 parliament amended the law on political parties to provide that all persons older than 18 have the right to become members of political parties, lifting the restriction on standing for election.

## **HIV and AIDS Social Stigma**

According to human rights groups, persons regarded as vulnerable to HIV/AIDS, such as sex workers (including transgender sex workers) and drug users, faced discrimination and violence from society as well as mistreatment by police. Such discrimination was especially noticeable when HIV-positive persons sought medical care. Women with HIV/AIDS reported discriminatory treatment by health personnel.

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

There were isolated reports that government agents perpetrated violence against LGBTQI+ individuals. On March 13, conscript H. A. applied to the NGO New

Generation for assistance, stating his fellow servicemen began harassing him after learning of his sexual orientation. He was subsequently moved to another military unit, where another conflict arose due to his orientation. He alleged that after learning of his sexual orientation, acting chief of regional military police G. L. insulted him, then loaded his pistol and shot twice at the left and right sides of his feet. G. L. then aimed the loaded pistol at H. A.'s forehead, threatening to kill him, and hit H. A. with the handle of the pistol, fracturing his nose and teeth. Later that day, H. A. was moved to the Stepanakert military police department where G. L. and several other officials allegedly beat him with wooden clubs causing bodily injuries. H. A. was left in a cell for several days. He reported the abuse only after he was moved to another military unit. Authorities opened a criminal case which was ongoing by the end of the year.

Human rights organizations reported an overall increase in the number of societal attacks based on sexual orientation and gender identity during the year. In most cases there was no official action to investigate or punish the perpetrators. The NGO Pink Armenia documented 28 cases of human rights violations from January 2020 to August, including 12 incidents of domestic violence. The victims reported the cases to police in only seven cases, three of which were dismissed. LGBTQI+ individuals were reluctant to report cases to law enforcement due to lack of trust that they would be properly examined and investigated and that the offenders would be punished. In July for example, New Generation reported that a college student from the LGBTQI+ community had been beaten by his classmates. The physical abuse was preceded by repeated insults related to his sexual orientation or gender identity. The victim reported the assault to police, but authorities did not open a criminal case.

Cases of violence against transgender women continued during the year. On June 15, New Generation reported that a transgender woman walking with friends in Yerevan was subjected to insults by a group of persons due to their perceived sexual orientation and gender identity. The verbal attacks were followed by a physical assault, with the assailants kicking and dragging the victims. The victims declined to report the assault to police. The NGO Right Side reported that on September 4, at approximately 3:30 a.m. in Yerevan, an unknown person approached transgender woman G. K. and her friend, also a transgender woman, in

front of the municipal government office and threatened that if G. K. did not have sex with him, he would beat and stab her. G. K. asked him to leave them alone, but the assailant forced her to go with him. Seeing no alternative, G. K. asked her friend to immediately seek assistance from law enforcement, after which the perpetrator stabbed her on the leg and shoulder. G. K. managed to escape and went to the Arabkir police station to report the assault. According to G. K., police subjected her to ridicule but did nothing to find the perpetrator.

On February 3, a trial court Yerevan issued a verdict in a 2018 case in which an assailant attacked and set fire to the apartment of a transgender sex worker after learning her identity. The court sentenced the assailant under expedited proceedings, despite the victim's objection, as such proceedings entail lesser sentences, to three and one-half years in prison on charges of inflicting grave bodily injury. The victim believed this punishment did not fit the crime. Subsequently, the court applied a 2018 amnesty provision that released the assailant from serving any time.

According to Pink Armenia, in February the investigation body in the Syunik region closed the case and dropped charges against residents of Shurnukh village who attacked LGBTQI+ activists in 2018, due to the expiration of the statute of limitations. In August 2020 the criminal court of appeals ruled that investigators had not carried out a proper investigation of the attack and had not taken into consideration the psychological suffering of the victims and discriminatory nature of the crime, ordering that the case be reopened.

Law enforcement bodies declined to prosecute a number of cases in which perpetrators called for violence and attempted to “justify” violence against LGBTQI+ persons on the grounds of their sexual orientation or gender identity.

Antidiscrimination laws do not extend protections to LGBTQI + persons on the basis of sexual orientation or gender identity. There are no hate crime laws or other criminal judicial mechanisms to aid in the prosecution of crimes against members of the LGBTQI+ community. Societal discrimination based on sexual orientation and gender identity negatively affected all aspects of life, including prospects for employment, housing, family relations, and access to education and health care. Calls for violence against LGBTQI + individuals escalated after the

fighting in fall 2020 and in advance of the June parliamentary elections. Transgender persons were especially vulnerable to physical and psychological abuse and harassment.

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

## **Section 7. Worker Rights**

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

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

On July 1, amendments to the labor code came into effect that revived the state oversight function of the Health and Labor Inspection Body (HLIB) over the full scope of labor legislation. These changes, as well as amendments to HLIB bylaws, allowed the HLIB to act upon labor law violations based on written complaints. The HLIB is required to provide prior notification to employers when conducting an inspection. To implement its new functions, the HLIB added 60 inspectors to its staff list, bringing the total number of labor inspectors to 92, of whom 50 had been hired by the end of the year.

The government did not effectively protect freedom of association and relevant laws were insufficient, although penalties for violations were commensurate with those for other denials of civil rights. Labor organizations remained weak because

of employer resistance, high unemployment, and poor economic conditions. Experts reported that the right to strike, although provided in the constitution, was difficult to realize due to mediation and voting requirements.

On August 20, the government issued new regulations requiring workers either to present a COVID-19 vaccination certificate or to submit the results of a PCR test every 14 days starting from October 1, and every week starting from December 1. The regulations apply to all government workers and a long list of private-sector businesses. Pregnant women and those who are unable to be vaccinated for medical reasons are exempted. Applicable employers were responsible for collection of employees' vaccination and test records. The Confederation of Trade Unions of Armenia and Republican Union of Employers of Armenia stated that the cost of biweekly COVID-19 tests, approximately 15,000 drams (\$30) per month, was a serious burden for workers. It noted the new regulations were not discussed with the Tripartite Commission, as required by the Tripartite Agreement signed in October 2020. According to other observers, the new regulation was in violation of the labor code, which mandates employers pay for any mandatory work-related medical examinations. On December 10, parliament approved legal amendments that would allow employers to dismiss their employees for failure to be vaccinated against COVID-19 or take a coronavirus test once every seven days. On December 23, the Constitutional Court ruled the formulation in the government decisions stating that the employees must pay for testing was unconstitutional but did not reject the requirement for testing. According to the government, the court's decision did not create an obligation for the state or the employer to pay for an employee's COVID-19 test, and unvaccinated workers would continue to have to submit weekly test results.

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

The law prohibits and criminalizes all forms of forced and compulsory labor, although it does not define forced labor. The HLIB can detect instances of forced labor and issue fines, but law enforcement agencies are responsible for enforcing forced labor laws. The government did not effectively enforce the law.

Prosecutions were not proactive and heavily relied on victim self-identification. In December the first labor-trafficking conviction occurred since 2014. Resources, inspections, and remediation were inadequate to identify forced labor cases.



Penalties for labor-trafficking violations were commensurate with those for other serious crimes but were seldom applied.

In December, a 63-year-old woman received a seven-year sentence for labor trafficking (subjecting a minor to forced begging). The sentence was changed to a two-year conditional sentence due to the perpetrator's serious health problems, her guilty plea, and her cooperation with authorities. Several investigations into additional forced labor cases were underway at year's end. In one of the most egregious cases, in December 2020 the Investigative Committee reported a case of labor exploitation in Vardenis Neuropsychological Retirement Home. According to the Investigative Committee, a retirement home staffer had exploited a 70-year-old resident with cognitive problems to work as a salesperson in a grocery shop opened by the official at the retirement home. The victim had worked there unpaid five days a week for seven and one-half hours each day without breaks for 16 years. As of the end of the year, the trial continued in Martuni.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits all of the worst forms of child labor. In most cases the minimum age for employment is 16, but children may work from age 14 with permission of a parent or a guardian. The law allows children younger than 14 to work in the entertainment sector. The maximum duration of the workweek is 24 hours for children who are 14 to 16 and 36 hours for children who are 16 to 18. Persons younger than 18 may not work overtime; in harmful, strenuous, or dangerous conditions; at night; or on holidays. Authorities did not effectively enforce applicable laws. Despite HLIB outreach in 2020 to educate supermarket chains regarding child labor regulations, on December 25, Hetq media reported on its investigation of large Yerevan supermarket chains Evrika, Yerevan City, Nor Zov, and SAS, which found stores that did not follow labor code requirements for minors, including minors ages 14 to 17 working in excess of 40 hours per week. Penalties for violations were commensurate with those for other serious crimes but did not compel compliance. The absence of unannounced inspections impeded the enforcement of child labor laws, although the HLIB conducted announced

inspections related to the protection of the labor rights of minors.

Children younger than 14 worked in a variety of areas, including agriculture, construction, and begging. Children living in rural areas were more vulnerable to forced labor in the agricultural sector. In addition, while the government made an effort to reduce institutionalization of children with disabilities, those living in institutions were more vulnerable to being exploited for labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

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

The constitution and the labor code prohibit discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, political opinion, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. Other laws and regulations specifically prohibit discrimination in employment and occupation based on gender. The government did not effectively enforce applicable laws, and there were no effective legal mechanisms to implement applicable regulations. Discrimination in employment and occupation occurred based on gender, age, presence of a disability, sexual orientation, HIV/AIDS status, and religion, although there were no statistics on the scale of such discrimination. Penalties for violations were not commensurate with those for violations of similar laws involving the denial of civil rights.

Women generally did not have the same professional opportunities or wages as men, and employers often relegated them to more menial or lower-paying jobs. While providing for the “legal equality” of all parties in a workplace relationship, the labor code does not explicitly require equal pay for equal work. The International Monetary Fund cited the gender pay gap in the country as being strikingly large. A study by Marjan Petreski and the Statistical Committee of Armenia published by UN Women in 2020 estimated the residual gender pay gap (after adjustments for hours worked and personal and job characteristics) at approximately 10 percent, a number that reflected labor-market discrimination and unobservable factors. The top 1 percent of earners additionally faced a gender pay gap of approximately 19 percent. According to a 2019 Asian Development Bank

report, the labor force participation rate was lower for women than men, and women were more likely to work in part-time positions. The report also stated that occupational stereotypes limited women's choices, and more than 60 percent of women worked in just three sectors: agriculture, education, and health. Women were underrepresented in management positions, and only one in five small or medium-sized enterprises had a female owner.

Many employers reportedly practiced discrimination, most commonly requiring job applicants to be of a specific gender, age, and appearance. Such discrimination appeared to be widespread, but there were no reliable surveys, and authorities did not take any action to mitigate the problem. While there was little awareness of and no comprehensive reporting to indicate the scale of sexual harassment in the workplace, media reports suggested such abuse was common. Vacancy announcements specifying young and attractive women for various jobs were common. Unemployed workers, particularly women, who were older than 40 had little chance of finding jobs appropriate to their education or skills. LGBTQI+ persons, persons with disabilities, and pregnant women also faced employment discrimination. Religious minorities reportedly also faced discrimination in public employment.

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

**Wage and Hour Laws:** The monthly minimum wage was above the poverty income level. The law provides for a 40-hour workweek, 20 days of mandatory paid annual leave, and compensation for overtime and nighttime work. The law prohibits compulsory overtime in excess of four hours on two consecutive days and limits it to 180 hours in a year.

The HLIB was responsible for the enforcement of wage and work hour laws. The number of labor inspectors was sufficient to enforce compliance, according to International Labor Organization recommendations. The inspectors could initiate sanctions but could not make unannounced inspections. Authorities did not effectively enforce labor standards in either the formal or informal sectors. Penalties for violations of wage and hour laws were commensurate with those for other similar crimes, but still less costly for employers than abiding by the law in some cases. The newness of labor inspections, together with the lack of

independent trade unions, continued to leave workers' rights largely unprotected. Nonetheless, according to the HLIB, the fact that many of the labor-related complaints were resolved by employers without waiting for the HLIB's ruling attested to some improvement in the area as well as to the HLIB's existence serving as deterrent against violations. While administrative courts have a mandate to rule on labor-related cases within three months, few employees applied to the courts to reinstate their rights due to legal costs, the complexity of the application process, and distrust of the judiciary. It was unclear if the overloaded courts were able to meet the legally required three-month window for resolving those labor disputes that were submitted to them.

According to an interview with the head of the HLIB broadcast in July, the majority of complaints conveyed to the agency referred to nonpayment of wages and failure to pay wages within the timeframe required under the law.

Many employees of private companies, particularly in the service and retail sectors, were unable to obtain paid leave and were required to work more than eight hours a day without additional compensation.

On June 22, Hetq's Mediafactory project published an article on the neglected rights of waiters, based on interviews with 30 current and former waiters. The article revealed recurring labor abuses, including long hours without overtime or proper breaks, a system of financial fines for any perceived or actual violation of rules, absence of signed contracts or unavailability of the copy of the contract, no provisions for vacation or paid vacation, and minimal pay or no pay, with income from tips at times unfairly distributed among waiters in an establishment. On December 25, Hetq published the results of a Mediafactory investigation into large Yerevan supermarket chains, in which reporters took jobs at stores run by the Evrika, Yerevan City, Nor Zovk, and SAS chains. They found numerous labor violations, including a lack of written contracts or the inability of workers to read or have a copy of the contract; a lack of required work breaks; fines on workers for perceived faults such as talking to other workers, being late, not wearing makeup, sitting down, or customers' discovery of expired products; and failure to pay overtime or holiday pay.

The OSCE/ODIHR observation mission to the June parliamentary elections as well

as local monitors noted incidents of pressure by political actors and employers on both private-sector and public employees to attend campaign events. Some of the country's major employers, such as Gazprom Armenia, Electric Networks of Armenia, and Zangezur Copper and Molybdenum Combine, were implicated, as well as a number of municipal governments and subordinate structures. According to several civil society representatives, some employers threatened to dismiss employees for noncompliance. On June 18, the SIS arrested Armen Charchyan, director of the Izmirlian medical center and a candidate from the opposition Armenia Alliance, on charges of obstructing the exercise of a voter's free will, after a recording was leaked in which Charchyan pushed his employees to participate in the elections with the alleged implication that they should vote for the Armenia Alliance.

**Occupational Safety and Health:** The government established occupational and health standards by decree, although safety and health conditions remained substandard in numerous sectors. For example, in the agricultural sector heat and the use of pesticides are unaddressed. In 2020 the government reported 24 workplace accidents that had resulted in injuries and three that resulted in deaths. As of October the HLIB reported six deaths in the mining and manufacturing sectors as well as in the electric industry. The Investigative Committee reported that it had launched 18 criminal cases in the construction, energy, mining, and service industries as of October, of which two were dropped due to the lack of a crime, and seven because the perpetrator could not have known his or her actions were dangerous. Given high unemployment in the country, workers generally did not remove themselves from situations that endangered their health or safety and were unlikely to report violations of their rights.

During the year the HLIB, which has authority over occupational safety and health laws, continued to conduct preplanned inspections for sanitary-epidemiological safety, health care and services, and pharmaceuticals as well as for worker occupational safety and health. The HLIB also conducted inspections in the mining sector, which it assessed as high risk for violations.

The government did not effectively enforce occupational safety and health laws, although penalties were commensurate to those for similar crimes.

In June 2020 the Ombudsperson's Office released a brief on the nature of labor violation complaints it received in 2019. Reported problems included employers failing to pay what they owed to terminated employees, unjustified dismissals from work, violations of disciplinary action procedures vis-a-vis employees, retaining unjustified amounts of money from the workers' salaries, and transferring workers to other jobs without their consent. The Ombudsperson's Office also identified widespread and systemic violations, such as an absence of signed contracts, forcing employers to submit resignation letters, and failure to pay for overtime work. The NGO Helsinki Citizens Assembly Vanadzor, in a report released in June 2020, noted similar problems based on its monitoring of the labor rights situation in 2019.

**Informal Sector:** Managers of enterprises that were the primary employers in certain poor geographic areas frequently took advantage of the absence of alternative jobs and did not provide adequate pay or address job safety and environmental concerns. A 2019 World Bank report found that approximately 13 percent of the country's wage employees did not have a written contract and did not have access to any form of benefits related to paid leave, childcare, or sick leave. Informal-sector workers were covered by wage, hour, and occupational safety and health laws; however, they were not covered by inspections. The agricultural orientation of the country's economy tended to drive informal employment.

According to official statistics, the government's anticorruption efforts and active efforts by tax authorities led to a notable increase in the number of officially registered employees in the country. The COVID-19 pandemic spotlighted the problem of informal employment. While the government offered benefits to registered workers or those who had lost their work due to pandemic, unregistered or self-employed workers received much lower benefits. The government admitted there was a problem identifying informal employees and the self-employed due to the absence of a universal income declaration system and ultimately decided to provide assistance to families based on indicators such as the presence of underage children or situations where both parents did not have formal employment before the pandemic. Some of those who lost their livelihoods, however, were not captured by any of the additional assistance programs.