

# Human Rights Violations in Armenia

By Stefani Marinova

HAHR volunteer

Canada

Armenia was classified "partly free" in the 2019 report by Freedom House<sup>1</sup>, which gives it a score of 53 out of 100. Armenia ranks 54th in the 2019 report of Human Freedom Index published by Canada's Fraser Institute.<sup>2</sup> Armenia ranked 29th for economic freedom and 84th for personal freedom among 162 countries in 2018 Human Freedom Index published by the Cato Institute.<sup>3</sup>

The World Report 2020 by the Human Rights Watch has highlighted the most violated rights and current human rights issues in Armenia.<sup>4</sup> These issues were also brought to light by Amnesty International<sup>5</sup>, and the 2019 Country Report on Human rights practices issued by the U.S Department of State.<sup>6</sup>

**Armenia's police** have a long record of impunity for using excessive force to break up largely peaceful protests. Authorities revived an investigation into the 2008 deadly clashes between protesters and security forces, and in June 2019, charged a high-ranking official with murdering a protester while security forces were breaking up a demonstration. However, investigations into two episodes of excessive police force against largely peaceful demonstrators and journalists in 2016 and 2015 remained suspended. Authorities claimed they were unable to identify the alleged perpetrators.<sup>7</sup> There were several reports of arbitrary arrests during the year. For example, the **Helsinki Association for Human Rights (HAHR)** questioned some of the detentions carried out by police on July 18 in Ijevan, when they arrested individuals suspected of clashing with police earlier in the day during demonstrations against the government's decision to prohibit illegal logging. The individuals were taken to police stations in the middle of the night, sometimes wearing only their underwear. According to the Ombudsman's Office, those detained in Ijevan claimed that police had not informed them of the reasons for their detention, and their families did not know their whereabouts until hours later, when they were brought to Yerevan.<sup>8</sup>



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<sup>1</sup> <https://freedomhouse.org/countries/freedom-world/scores>

<sup>2</sup> <https://www.fraserinstitute.org/studies/human-freedom-index-2019>

<sup>3</sup> <https://www.cato.org/human-freedom-index-new>

<sup>4</sup> <https://www.hrw.org/world-report/2020/country-chapters/armenia>

<sup>5</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/armenia/>

<sup>6</sup> <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/armenia/>

<sup>7</sup> *ibid*

<sup>8</sup> [http://e-rights.am/file.php?class\\_name=company\\_document\\_file&file\\_uniq\\_id=94065e6b47edd1a6d4743&size\\_mode=1](http://e-rights.am/file.php?class_name=company_document_file&file_uniq_id=94065e6b47edd1a6d4743&size_mode=1)

In August, **environmental protests** against plans to restart construction on the Amulsar gold mine turned into confrontations between police and protesters after security officials barred them from demonstrating in a public park surrounding parliament. Police briefly detained six protesters on misdemeanor disobedience charges. Related protests continued near the town of Jermuk, where residents and environmental activists blocked the roads to the mine, opposing its construction on environmental and economic grounds. Campaigners contested the results of the government-commissioned Environmental and Social Impact Assessment Review. Despite the promise of hundreds of new jobs, residents and environmental activists remained concerned about the potential social and ecological damage, including the negative impact on their livelihoods of predicted contamination of the mineral water of Jermuk, a spa resort and important tourism destination. The government stated it would go ahead with the project following publication of the review, but later reversed its decision and agreed to a further study on the environmental safety of the proposed mining.<sup>9</sup> In the afternoon of August 6, 2020, about a dozen of people, including **Ms. Nina Karapetyants**, head of the **Helsinki Association for Human Rights (HAHR)**, who were participating in a peaceful protest in Yerevan in support of the protests in Amulsar, were arrested by the police. They were all released after administrative proceedings were conducted at various police stations over accusations of “not obeying police orders.”<sup>10</sup>



<sup>9</sup> ibid

<sup>10</sup> <https://www.fidh.org/en/issues/human-rights-defenders/armenia-arbitrary-arrest-of-several-environmental-rights-defenders>

**Violence against Women** is another important issue stated in the report. Domestic violence persisted as a serious problem. According to official data, during the first half of 2019, authorities investigated 331 criminal domestic violence cases, including 176 that were newly initiated. They brought charges in 209 cases and sent 45 cases to court. But in most cases, authorities do not protect women and child survivors of domestic violence, jeopardizing their lives and well-being. The 2017 family violence law requires police to urgently intervene when there is a reasonable assumption of an immediate threat of repetition or the continuation of violence in the family. But in practice, law enforcement bodies lack awareness and training on protection mechanisms envisaged by the law, such as protection orders, and do not adequately use them. Armenia has only one shelter for domestic violence survivors, run by a nongovernmental organization (NGO). While there are plans to open another shelter, with an overall capacity of 10 to 13 people, Armenia falls far short of the Council of Europe recommendation of one shelter space per 10,000 people. The Coalition to Stop Violence Against Women reported that 10 women had been killed by their intimate partners in the first half of 2019. One victim, Mariam Asatryan, 30, was beaten to death by her partner in May in Ararat province. Asatryan had sought the coalition's assistance several times in 2017 and 2018, when she suffered serious injuries, including broken arms, as a result of domestic violence. According to the coalition, Asatryan had filed a complaint, but law enforcement failed to take adequate measures to protect her.<sup>11</sup>



Domestic violence is neither a stand-alone felony nor an aggravating criminal circumstance in the criminal code. In October, authorities introduced amendments to domestic violence legislation, removing references to restoring harmony in family; and reconciliation as the laws principle concepts, widening its applicability to former and current partners, and including controlling behavior as a form of domestic violence. The amendments had not been adopted at time of writing. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had not been sent to parliament for ratification.<sup>12</sup>

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<sup>11</sup> ibid

<sup>12</sup> ibid

**Disability rights** are also discussed in the reports. Armenia made progress in transforming some residential institutions for children into community centers and supporting family-based care. Authorities are committed to ending the institutionalization of children with disabilities and to ensuring adults in institutions can transition to live independently, with support as necessary. In April 2019, the government, in cooperation with a community group, committed to working with families to prevent placing children with disabilities in institutions. In June, authorities amended laws to facilitate foster care. Armenia aims to have fully inclusive education by 2025, whereby children with and without disabilities study together in community schools. Despite progress, many children with disabilities remain segregated in separate special schools or classrooms, or isolated in-home education. Children with disabilities in community schools do not always receive necessary support, called reasonable accommodations, for their education. Accommodations can include assistive devices like hearing aids, books in braille, audio, or other formats, or aides to assist students with behavior, self-care, or learning support. Armenia's legislation allows for adults with psychosocial or intellectual disabilities to be deprived of legal capacity, or the right to make decisions, and does not envisage any supported decision-making mechanisms. Authorities drafted a law on the rights of people with disabilities, but at time of writing, it has not yet been introduced in parliament.<sup>14</sup>



Another issue that was discussed is **Sexual Orientation and Gender Identity (SOGI)**. Lesbian, gay, bisexual, and transgender (LGBT) people often face harassment, discrimination, and violence. The criminal code does not recognize homophobia and transphobia as aggravating criminal circumstances. Discussions around the ratification of the Istanbul Convention descended to hateful and derogatory speech by some public officials against LGBT people, suggesting that the convention has a hidden agenda of LGBT propaganda; and legitimizing same-sex marriage. Fear of discrimination and public disclosure of their sexual orientation prevent many LGBT people from reporting crimes. PINK Armenia, an LGBT

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<sup>14</sup> *ibid*

rights group, documented at least 17 incidents of physical attacks based on sexual orientation or gender identity from January through August 2019.<sup>15</sup>



In February, Max Varzhapetyan, 24, a gay activist, was assaulted and beaten on a Yerevan street. Three men chased him, shouting profanities and homophobic slurs. The men broke his tooth and injured his mouth and nose. Police launched an investigation but had pressed no charges at time of writing.<sup>16</sup>

In April, during a parliamentary hearing on human rights, a transgender activist, Lilit Martirosyan, took the floor to highlight the discrimination and violence transgender people face. A backlash followed her address, including hate speech and death threats directed at Martirosyan. Law enforcement refused to launch an investigation, citing lack of criminal intent.<sup>17</sup>

Since its creation, the **Helsinki Association for Human Rights (HAHR)** has strived to create a just Armenia, where respect of human rights for all is a reality. HAHR has been fighting against the abuse of human rights and pushing to guarantee fundamental human rights for all.

During the period of July 2019- July 2020, The **Helsinki Association for Human Rights (HAHR)** implemented the “**Fostering the development of fundamental rights and freedoms in Armenia**” in partnership with the **National Endowment for Democracy (NED)**. The project offered judicial protection of infringed or disputed rights, freedoms and legitimate interests of the project beneficiaries, provided legal advice and media coverage, to reveal insufficiencies in specific laws and regulations, made relevant recommendations to the Government of Armenia and raised the level of legal literacy of officials and society. Another project implemented in partnership with NED is “**On the road to sustainable democracy**” (2018-2019), which facilitated fair trials in the criminal justice system and effectively monitored trials and hearings in various courts in Yerevan, Gyumri and Vanadzor.<sup>18</sup>

Between May 2018 and May 2019, HAHR implemented the “**Advocating for advocates’ rights in Armenia**” project with the **European Endowment for Democracy (EED)**. This project raised awareness on the harassment of advocates in Armenia, documented success cases and monitored hearings and placed pressure on judges and the board to make fair, evidence-based decisions.<sup>19</sup>

Between September 2016 and March 2019, HAHR implemented the “**Promoting Human Rights of LGBTI people in Armenian Society**” project with the support of **US AID**. The project included communicating with political parties and

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<sup>15</sup> ibid

<sup>16</sup> ibid

<sup>17</sup> ibid

<sup>18</sup> [https://hahr.am/images/HAHR\\_\\_Strategic\\_Plan.pdf](https://hahr.am/images/HAHR__Strategic_Plan.pdf)

<sup>19</sup> [https://hahr.am/images/HAHR\\_\\_Strategic\\_Plan.pdf](https://hahr.am/images/HAHR__Strategic_Plan.pdf)

their youth branches and negotiating the inclusion of human rights issues as one of the core components of their political agendas. It also included organizing three round table discussions for youth branches of political parties and active youth initiative groups on anti-discrimination and LGBTI issues in Armenia.<sup>20</sup>

In May 2019, the **United Nations** special rapporteur on the rights to freedom of peaceful assembly and of association published a report on his country visit, welcoming Armenia's democratic transition and calling on the authorities to undertake profound reforms to strengthen the judiciary, the independent investigative bodies and police.<sup>21</sup>

In May 2019, the **European Union** published the EU-Armenia partnership implementation report, welcoming steps to implement economic, justice sector, and political reforms, but also acknowledging the early stage of the reform process. It also highlighted the need to address discrimination against LGBT people and people with disabilities.<sup>22</sup>

In his July 2019 meeting with Pashinyan, **European Union Council President Donald Tusk** stressed the importance of rule of law and an independent judiciary.<sup>23</sup>

In April 2019, the **EU delegation** and member states embassies in Yerevan and the UN Armenia Office expressed concerns about the hate speech directed at the transgender activist, Lilit Martirosyan.<sup>24</sup>

In June 2019, the **Council of Europe** launched the Action Plan for Armenia 2019-2022 to support the government's efforts to reinforce human rights, ensure justice, combat threats to the rule of law, and promote democratic governance.<sup>25</sup>

In her January report, **Council of Europe Commissioner for Human Rights Dunja Mijatovic** called on Armenia to improve women's rights, protect vulnerable groups, and ensure accountability for past human rights abuses.<sup>26</sup>

In October 2019, the **Venice Commission**, a Council of Europe advisory body, issued an expert opinion countering harmful myths about the Istanbul Convention, and concluding that Armenia's ratification of the treaty would not contradict its constitution.<sup>27</sup>

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<sup>20</sup> [https://hahr.am/images/HAHR\\_\\_Strategic\\_Plan.pdf](https://hahr.am/images/HAHR__Strategic_Plan.pdf)

<sup>21</sup> ibid

<sup>22</sup> ibid

<sup>23</sup> ibid

<sup>24</sup> ibid

<sup>25</sup> ibid

<sup>26</sup> ibid

<sup>27</sup> ibid