

**The A.D. Sakharov Armenian Human Rights Centre**  
(Republican Center for Democracy)

Period covered: 1 September 2001 to 30 September 2002

## **ANALYTICAL REPORT**

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## Social and Economic Situation in the Republic of Armenia

Social and economic situation in the Republic of Armenia is reported by the National Statistics Department of the Republic of Armenia in its monthly reports based on summarized reports of branch and local departments and ministries, generalized supplementary calculations, findings of relevant investigations as well as on informational and printed materials approved by the National Statistics Council in compliance with the National Statistics Program.

Since April of 1999 monthly reports have been drawn up in conformity with the standard distribution scheme proposed by the International Monetary Fund for statistical information on national economy and finance to be reported.

It should be noted that quarterly, semi-annual and annual reports are mostly drawn up as summaries of previous monthly reports and they seem to be not so much different by their framework or contents.

Unfortunately, none of the above reports contain any analytical section, and, the most important thing, there are neither specific, nor physical indicators to characterize the efficiency of national economy as a whole or as of its constituents for the reporting period. Thus, the whole industry statistics is described through the following indicators: "Volume of industrial production", "Index of industrial production", "Volume of products sold" and "Output of consumer goods in terms of value".

Since the above indicators are presented in terms of value it seems impossible to evaluate industrial production as to its efficiency as all these indicators are kept within the bounds of pricing "game" without whatever ratios to level the pricing factor.

Strange to notice, the requirements of the International Monetary Fund are so simplified with regard to reportable statistics.

Besides, if we consider the indicators of economic policy with regard to social security to be provided as well as the public regulation of major branches of economy with regard to its role for people's confidence to the government economic policy we shall notice that they have been calculated for the whole population as statistical average without whatever classification of population by social strata or sections.

Taking into account that the fixed salaries vary from the highest to the lowest ones in the ratio of 40 to 1 the reported statistics seems to be beneath criticism.

Though we could not but note the above aspects calling the actuality and the liability of statistics in question there are no other official sources of socioeconomic information besides the above reports.

Thus, in the reporting period social and economic situation in the Republic of Armenia may be characterized through the following macroeconomic indicators:

<b>Primary macroeconomic indicators</b>	<b>2001 to 2000 percentage-wise</b>	<b>January through June of 2002 to January through June of 2001</b>
gross domestic product (at market prices)	109,6	110,1
volume of industrial production	103,8	112,1
energy production	96,4	97,6
gross agricultural product	111,6	100,5
construction, volume of capital construction in progress	114,0	125,4
freight turnover of public transport	98,8	93,8
foreign trade turnover, including:	102,7	113,6
	114,1	140,8

• export turnover;	98,8	102,6
• import turnover.		
single average monthly wage	110,5	111,6
people's cash incomes	109,7	109,9
actual cash incomes	106,3	107,4
people's cash expenditures	110,1	108,7
volume of retail merchandise turnover	115,5	114,5
volume of paid services	105,3	109,9
consumer price index	103,1	101,7

According to official data there is some economic growth in the Republic of Armenia, but there is no growth in the standard of living as there is no integral economic system in Armenia.

The economic situation is described by statistical data and reports quite incompletely. Is it possible for economic potential to grow side by side with continuous backwardness of agricultural industry and agricultural-industrial complex?

Is it possible to explain a regular annual amount of budget receipts (about US \$ 300-500 mln.) for annual increase in gross domestic product by 7-9%?

The increase in gross domestic product is likely to show the situation of some branches of the economy.

## Industrial Production

Structure and pace of growth of the index of industrial production in terms of value according to the primary lines of activity show the following:

Primary lines of activity	Index of industrial production (work and services) in 2001 in compatible prices to 2000 per- centage-wise	Index of industrial production (work and services) from January through June of 2002 in compatible prices to the same period of 2001 percentage-wise
<u>Industry, as a whole, including the following industries:</u>	103,8	112,1
• electric-power, natural gas and water supply	92,7	86,7
• mining extraction and mineral raw materials	119,7	102,0
<u>Processing industries</u>	107,5	124,7
• food processing	110,3	103,7
• tobacco products	77,4	142,4
• textiles	99,0	124,7
• clothing	141,9	89,4
• leather-haber dashery	85,7	97,1
• wood products	100,0	105,2
• chemical industry	84,1	42,3
• plastic and rubber in- dustry	92,3	103,5
• non-metallic mineral industry	109,1	127,6
• metallurgy	143,8	123,8
• metal fabricating in- dustry	113,1	108,6
• machinery-producing industry	140,2	75,3
• jewelry	90,2	242,9
• others	108,5	100,6

In 2001 the index of industrial production was 103.8% as compared with that in 2000, and in the period from January through June of 2002 that index was 112.1% as compared with that in the same period of 2001.

Besides, there was a drop in electric and thermal energy production.

In 2001 the electric energy was produced in the volume of 5744.0 mln. Kwh making 96.4% of that in 2000, and in the period from January through June of 2002 the electric energy was produced in the volume of 2855.6 mln. Kwh making 97.6% of that in the same period of 2001.

As to thermal energy production the situation was not rather different.

In 2001 the thermal energy was produced in the volume of 476,800 gph making 70% of that in 2000, and in the period from January to June of 2002 the thermal energy was produced in the volume of 172, 000 gph making 50.7% of that in the same period of 2001.

According to a half-year comparative economic analysis the index of industrial production (in energy, mining-extraction, food-processing industries, some sections of light industry and others) is tending downwards.

It should be noted in all fairness that the value of interest rate grows form year to year, but the pace of growth of industrial production does not seem convincing enough while there is a decline in pace of growth of energy resources.

From 21 to 23 of March, 2002 the RA President made a working visit to the region of Siunik. It is an area of mining and ore dressing enterprises. It was noted that in 2001 those enterprises provided over 86% of industrial production in the region of Siunik.

On the whole in industry 4.000 of 5660 employees in industry work for mining branch and the other 1660 employees work for 140 enterprises of various sections of industry. Besides, it was noted that electric energy production reduced by 31.2% in the region in 2001.

But at the same time the manufacturing capacity of the Kapan Engineering Plant in the region of Siunik is used only to 25%.

The manufacturing prime costs are tending upwards in all the branches of industry making domestic goods non-competitive with import ones on the domestic market.

As manufacturers used to explain, the increase in their prime costs were caused by the price increase for gasoline (petrol). But there was a 120% price increase for gasoline (petrol). (By the way, 1,000 l. of gasoline of the best type cost about US \$250 at the London Exchange as compared with that of US \$ 450 in Armenia).

In average only 25% of manufacturing prime costs are transportation costs.

Such a paradox was caused by a monopoly of gasoline business, and government authorities are incapable to do anything with regard to this matter.

However, it should be noted that positive changes have appeared in some sections of industry since 1999. In the three years from 1999 through 2001 the growth index was 16.3% and 29.4% if the energy industry was excluded from calculations. Therefore, the energy industry is a weak point for the national economy.

Though in 2000 the electric power production reduced 2.5 times as compared with that in 1987 its share in the total volume of industrial production grew from 3.5% to 30.2%, mostly, due to outstripping growth of electric energy prices added to the manufacturing prime costs as another factor of growth.

This brief and incomplete analysis of dynamics and structure of industry in the reporting period allows to come to the following conclusions:

- the 2000/2002 statistics are incapable to demonstrate the changes of industrial production in the Republic of Armenia and require to be corrected ;
- in the reporting period some positive changes appeared in industrial production (in some sections of industry) with regard to its swift pace of growth, but on the whole the industry is still in the deep protracted crisis and its stabilization is going on spontaneously at the lowest initial level.

It testifies to the fact that the RA Government has not any program of industry revival in the Republic of Armenia.

## Agriculture

According to the statistics the gross agricultural output (at actual prices) was higher by 11,6% in 2001 as compared with that in 2000.

The gross yield of main agricultural crops, except for fruit and tobacco, increased in 2001 as compared with that in 2000, in particular, by 142.5 thsd.t of grain, by 73.5 thsd.t of potatoes, and by 80.3 thsd.t of vegetables, mostly, due to the absolute drought in 2000 and the increase in sown areas of grains by 22,0 thsd. ha in 2001 as compared with those in 2000.

According to the statistics red and white meat was realized by 2.3% less, whereas milk and eggs were realized by 2.9% and 16.3% more accordingly in 2001 as compared with those in 2000.

Contrary to the above statistics the independent exports reported that only such agricultural products as fruit, some types of vegetables and water-melons were produced in the volume of domestic consumer demand.

As to such primary agricultural products as potatoes or grains they were produced for 20-30% of domestic consumer demand.

Land privatization has fallen short of expectations to settle the problem of secure food supplies to the people in the Republic of Armenia.

It is too expensive to cultivate small plots, and timely cultivations or use of agricultural machinery are even unaffordable. Irrigation is the most difficult problem entailing the increase in prime costs, the drop in yield capacity and the degradation of agricultural lands.

Besides, more than 90% of agricultural lands are located at an altitude of over 1,000 m above sea-level in Armenia.

In 1900 there were 29 thsd. ha of irrigable lands, but currently there are by 12 thsd. ha less in Armenia.

This situation has been caused by an inferior condition of irrigation system, which requires the amount of US\$ 1.5-2 thsd per ha to be restored. The RA Government is incapable to afford these costs.

Lack for shipping facilities or high expenses of transportation of agricultural products to consumers also contribute much to the increase of prime costs.

Such agricultural products as milk, cheese, meet, honey and the like which are produced in remote rural communities in the foothills or in the mountains cannot be removed outside these areas, but the produce processing companies quote such low prices and purchase such small amounts of agricultural products to be removed on a centralized basis that the agricultural production is unlikely to be economically sound.

Up to 1989 about 250 thsd.t of grape were purchased per annum by produce processing industry from agricultural producers whereas currently the Yerevan Cognac Plant, for instance, purchases only 10 thsd.t of grape per annum, and other produce processing enterprises purchase even smaller quantity of agricultural products.

Both the prime cost and the purchase price for 100 kg are US\$ 10-12; meanwhile the gross yield of grape is 5-6 times higher as compared with that of grain.

But the grain may be sold or used for farm needs whereas perishable grape is becoming an unprofitable agricultural product, like milk and milk products.

“The pure-strain stock-breeding has actually degenerated. In some regions the average milk yield per cow has decreased from 10l. to 3l. The production of meat has also decreased.

This situation was mostly caused by lack for forage reserve.

The Union of Agrarians has repeatedly made statements that the breakdown of national agriculture and the disastrous situation of peasantry were caused by lack for any agrarian policy to be pursued by the RA Ministry for Agriculture.

As to the reliability of statistical data, the governmental agencies chargeable with statistics and analysis are so much interested in justifying their performance and demonstrating their efficiency that they are unlikely to give accurate information in their reports, and, unfortunately, there is no independent information service.”

(The above information was extracted from the statements of the three regional chairmen of the Union of Agrarians published in the newspaper “Golos Armenii” of 2 February 2002).

As of 1 May 2002 the total sown area has decreased by 58.7% which was mostly caused by protracted heavy precipitation.

In particular, the sown area has decreased by 66.6% for grain, by 48.3% for forage crops, by 40.1% for water-melons, by 31.4% for potatoes and by 90.2% for industrial crops.

20 rural communities in the region of Shirak suffered the weather damage in the amount of US\$ 940thsd. which was caused by hailing from 6 June to 5 July 2002, in particular, the sown area was damaged by 60-70% for potatoes and by 30-40% for grain.

## Transport

Indicators of total volume of freight transportation by types of transport are as follows:

	2001 per- centagewise to 2000	From January through June in 2002 percentagewise to the same pe- riod in 2001
Volume of freight transportation by general purpose transport, including:	109,8	138,7
• <b>by railroad lines</b>	98,0	156,7
freight exported	93,0	97,4
freight imported	96,2	114,8
• <b>intrarepublican transportations, in- cluding:</b>	105,4	160,1
by railroad lines	123,0	150,4
by air transport	82,6	71,4
by pipeline	99,1	83,4

Volume of freight transportation by regular routes of different types of traffic is as follows:

Countries	From January through December in 2000	From January through December in 2001	From January through June in 2002
CIS countries	60,3	60,6	38,9
Other countries	39,7	39,4	61,1

### By types of transport:

- Railroad lines.

According to the statistics the freight transportation by railroad lines decreased by 2.0 % in 2001 as compared with that in 2000.

The share of freight shipped in total volume of cargo transportation was 62.1 % for freight imported, 12.7 % for freight exported and 25.2 % for intrarepublican transportations.

In the past 6 months of 2002 the share of freight shipped in total volume of cargo transportation was 50.5 % for freight imported, 9.5 % for freight exported and 40.0 % for intrarepublican transportations.

In the past 6 months of 2002 the intrarepublican transportations made only 15.7 % of those in the same period of 2001.

- Motor vehicles.

The total volume of cargo transportation decreased by 23 % in 2001 as compared with that in 2000, including 11.6 % of freight imported in 2001 as compared with 11.7 % of that in 2000, 9.9 % of freight exported in 2001 as compared with 15.8 % of that in 2000, and in 2001 the intrarepublican transportations made 85.2 % of those in 2000.



The total volume of cargo transportation by motor vehicles increased by 50.4 % in the period from January through June of 2002 as compared with the same period of 2001, including 7.9 % of freight imported in the above period of 2002 as compared with 12.2 % of that in the same period of 2001; 3.4 % of freight exported in the above period of 2002 as compared with 4.5 % of that in the same period of 2001, and 88.7 % of intrarepublican transportations in the above period of 2002 as compared with 83.3 % of those in the same period of 2001.

- Air transport

The total volume of cargo transportation by air decreased by 17.4 % in 2001 as compared with that in 2000, and by 28.6 % in the period from January through June of 2002 as compared with that in the same period of 2001.

The Armenian Airlines have been driven into bankruptcy for quite certain and very specific reasons.

Since the clan of Levon Ter-Petrosyan, the former President of the Republic of Armenia established control over the Armenian Airlines in 1994 for their personal enrichment that company incurred debts though being profitable.

The proceeds of air tickets selling and of cargo transportation were accumulated on the bank account of General Representation of the Armenian Airlines outside Armenia to be used in other lines of business for several months and then to be returned to the bank account of the air company.

The income of “a productive capital” was transferred to the clan’s bank account, and the company’s debts accrued at the same time.

That was one of numerous schemes for shadow income to be received due to the company operation.

Thus, the air company which could have been and had been profitable for many years proved to be the source of private income for the clan of President and his satellites.

***The analysis has shown that the growth rate of the volume of cargo transportation cannot be correlated with the growth rate of industrial production proving our view point that the growth of gross domestic product has not been stipulated by the growth of volume of industrial production, of power industry or of gross product of agriculture and agroindustrial complex.***

### Living standards of population

The state system of social welfare proves to be immoral in the Republic of Armenia.

While an average monthly nominal pension is US \$10 and an average monthly nominal wage is US \$20 retail prices are as follows (according to the statistics):

Item	Average retail prices in 2001 (\$US)	Average retail prices in 2002 (in January - June) (\$US)
Beef	1.95 per 1 kg.	2.00 per 1 kg.
Pork	2.50 per 1 kg.	2.26 per 1 kg.
Chicken	1.97 per 1 kg.	2.00 per 1 kg.
Fish	0.20 per item	0.34 per item
Butter	2.60 per 1 kg.	2.65 per 1 kg.
Cheese	2.00 per 1 kg.	2.00 per 1 kg.
Coffee	4.30 per 1 kg	4.30 per 1 kg.
Wheat	0.30 per 1 kg.	0.25 per 1 kg.
Bread	0.35 per 1 kg.	0.35 per 1 kg.
Rice	0.56 per 1 kg.	0.55 per 1 kg.
Flour	0.33 per 1 kg.	0.30 per 1 kg.
Eggs	0.72 per 10 items	0.84 per 10 items
Oil	0.96 per 1l.	1.00 per 1l.
Margarine	1.50 per 1 kg.	1.45 per 1 kg.
Granulated sugar	0.47 per 1 kg.	0.47 per 1 kg.
Macaroni products	0.45 per 1 kg.	0.43 per 1 kg.
Wine	1.48 per 1l.	1.61 per 1l.
Vodka	1.00 per 0.5l.	1.00 per 0.5l.
Tobacco products (cigarettes)	0.34 per pack	0.28 per pack
Power rate	0.05 per 1 kWh	0.05 per 1 kWh
Petrol	0.50 per 1l.	0.50 per 1l.
Diesel oil	0.33 per 1l.	0.31 per 1l.

The realizable prices for agricultural products and purchase prices for means of production of agricultural products were 106.9 % in 2001 as compared with 101.1 % in 2000, i.e. the prices increased by 5.8 %.

In the period between 1997 and 2000 an average monthly pension increased by US\$1.45, and in 2002 it increased by US\$1.09 making US \$ 9.50.

According to the UNO, a country where an average resident cannot earn US\$ 4.00 a day is considered to be a poverty-stricken country. Having such a growing rate of “welfare” no one may reckon on a fairly good life at his/her old age.

About 54-55% of Armenian population were reported as poor, including 22.9% of them as very poor, by Armenian Mission of UNHCR in its annual reports.

The share of very poor people decreased from 27.7% to 22.9%, but it was stipulated by a family allowance system introduced. The number of families on family allowance payroll decreases by several tens of thousands annually. In 2002 it decreased by 18 thsd. families. The staff of social security units used to strike the names off from a payroll for such illogical and immoral reasons that a very poor person may turn out to be a “well-to-do” one in a moment according to an arbitrary decision of an official. Those were “the unexpected” consequences of the increase in an average monthly pension by US\$1.09.

According to calculations of the National Statistical Department a food basket for an average Armenian costs US\$51.4, including 62% for food products to ensure necessary caloric value. Having US\$ 20 as a monthly pension an average Armenian is unlikely to buy even 50% of food products as per food basket.

The above is disproved by the information of Armenian Mission of UNHCR on the percentage ratio of poor and very poor people in the Republic of Armenia.

However, according to the statistics:

“In the reporting period average monthly wages of one worker in the state (governmental) sector and in the non-state (private) sector increased by 4 % and 14.8 % making up US\$ 26.69 and US\$ 58.10 accordingly”.

The statistics appear to be incorrect as the ratio of the highest and the lowest wage is 40 to 1.

According to the sociological investigation which was made by the Armenian Democratic Forum NGO with the assistance of the World Bank in respect to their social welfare of 1000 the people they consider themselves to be as follows:

22.3 % as well-to-do; 26.2 % as not sufficiently provided for; 24.3 % as indigent; and 27.2% as very indigent.

Unemployment is considered to be the most important problem in the Republic of Armenia by 75 % of respondents.

About 36.3% of respondents cannot afford medical service, and for 48.8% of respondents the access to medical service is rather difficult.

The medical service was requested at the hospitals by rural dwellers two times less than by town dwellers not only for lack of money, but also for lack of transportation facilities or for other important reasons.

According to the information provided by 83.6% of respondents it is impossible to avoid bribing at the hospitals besides the established fees for medical service.

The performance of agencies responsible for the payments of social security benefits was evaluated as inferior by the respondents.

According to that sociological investigation it has become obvious that the more poor a family is the less opportunity it has to be granted with public assistance benefit, and rural dwellers even have not the slightest chance to be granted with it.

More than a half of Armenian families live beneath the absolute line of poverty, and about 80 % of Armenian children belong to these families.”

(This information was given by the Chief of Maternity and Childhood Department of the RA Ministry of Health).

About 40% of young people and 20% of children are short-sighted.

According to the information of UNICEF about 10,000 children live in Children’s Homes or Boarding Schools since their parents are incapable to support their children.

According to the evaluation research of the levels of education, poverty and business which was carried out within the framework of the UN Programme for the Development of Social Monitoring and Analysis System about 6% of children at the age of 7 to 16 do not attend school, 7% of children of the most indigent families also have no access to education either, and 69.9% of Armenian population live beneath the absolute line of poverty.

In some private opinion the level of general education may be evaluated as 3.58 grades by a 7-graded scale.

### **Demographic situation in the Republic of Armenia** (according to the statistics)

(per 1,000 people)

Years	1990	1996	2001
New-born babies	22,5	12,8	8,4
Died people	6,2	6,6	6,3
Natural population growth	16,3	6,2	2,1
Marriages	8,0	3,8	3,2
Divorces	1,3	0,7	0,5

“Almost all the families tuned out to be involved in mass emigration. Due to mass emigration of the most active population the Republic of Armenia is losing its labor and intellectual resources, the population composition is undergoing big deformation, the number of marriages and new-born babies is tending downwards, and unless this falling tendency stops the mortality will have exceeded the birth-rate to a great extend by the year of 2005.”(From the newspaper “Golos Armenii” (“Voice of Armenia”) of 9 April 2002).

“80 % of emigrants have been graduated from higher educational institutions and they make the greatest part of able-bodied Armenian population aged from 18 to 55 years.” (From the Investigations of the Association of Armenian Sociologists).

According to the report, which was drawn up by the RA Ministry of Health and the National Statistics Department together with the ORG MACRO, an American company, with the financial support of USAID the number of annual births per each one thousand of Armenian women aged from 20 to 24 years decreased from 234 in 1990 to 168 in 2000, i.e. by 28%.

The childhood mortality is by 50 % higher in rural areas than in urban areas.

According to the statistics money incomes and expenditures of population increased by 9.7 % and by 10.1% accordingly in 2001 as compared with those in 2000, and by 9.9% and by 8.7% accordingly in the period from January through June in 2002 as compared with those in the same period in 2001.

### **Structure of Expenditures of Population**

(percentagewise)

	From January through June in 2001	From January through June in 2002
Purchasing goods	87,8	91,7
Accumulation of savings	+3,4	-2.1

Period covered: 1 September 2001 to 30 September 2002

Compulsory payments and voluntary contributions	4,4	5,0
Money in hand (+ available), (- non-available)	-2,6	-1,4
Other expenditures	7,0	6,8

**Notes:** (+) increase, and;

(-) decrease in cash possessed by people.

### **Family households.**

As a result of investigation of 3003 family households which was carried on by the Regional Branch of the National Statistics Department the following was found:

### **Composition of money incomes of households by sources of incomes (in average per month)**

Sources of incomes	From January through September, 2001	From January through September, 2001
	Per household (in US dollars)	Per household member (in US dollars)
Wage labor, including payments in kind	23.12	5.70
Self-employment	8.7	2.12
Social transfers (pensions and allowances paid by state)	7.48	1.83
Selling of agricultural or animal products	12.31	3.01
Property (rentals or dividends)	0.40	0.09
Pecuniary aid from the relatives in Armenia	2.36	0.58
Pecuniary aid from the relatives outside Armenia	11.45	2.80
In average in the Republic of Armenia	68.16	16.70

### **Composition of current expenditures (in average per month)**

Item	From January through September, 2001	From January through September, 2001
	Per household (in US dollars)	Per household member (in US dollars)
Purchasing foodstuffs	37.09	9.08
Essential foodstuffs, which could not have been purchased	14.51	3.55
Catering (food and beverages out home)	1.09	0.27
Alcohol	0.46	0.11

Period covered: 1 September 2001 to 30 September 2002

Tobacco	4.34	1.06
Non-food goods	10.26	2.51
Services	12.07	2.95
In average in the Republic of Armenia	79.83	19.55

**According to the statistics the actual consumption of essential foodstuffs per capita per month is as follows:**

Item	From January through September, 2001	
	Quantity in kg.	Costs in US \$*
Bread and bakery products	13,13	3,94
Potatoes	3,54	0,95
Vegetables	5,29	1,43
Fruit, berries and grapes	3,52	1,58
Sugar	0,6	0,28
Oil	0,29	0,29
Meat and meat products	1,31	2,34
Cheese	0,71	1,42
Butter	0,3	0,80
Eggs	8,13	6,83
Fish and fish products	0,73	0,25
<b>Total</b>		<b>20.71</b>

**The dynamics of growth of and average pension as of the end of each following year (in US dollars):**

1994	1995	1996	1997	1998	1999	2000
3.40	6.40	7.20	7.40	7.30	8.50	8.10

\* The calculations are based on the statistics of average prices

## **Refugees**

The living standard of Armenians who have a refugee status is lowest in the Republic of Armenia.

The citizenship of the Republic of Armenia was acquired only by less than 15% of Armenian refugees, i.e. 45,000 people of 300,000 Armenian refugees from Azerbaijan.

The 2001 UN Report on Human Development in the Republic of Armenia stated the following:

- Poverty is more peculiar to refugees than to indigenous people. The number of poor and very poor refugees is by 44.5% and by 21.6% more accordingly than that of indigenous people.
- The number of poor and very poor refugees is 1.4 and 2.1 times more accordingly than that of indigenous people in rural areas.
- The number of employers, of industry employees and of full-time employees is 1.7, 2 and 3 times less among refugees than that among indigenous people, and the number of refugees who lost their business in the past 6 years is 1.4 times more than that of indigenous people.
- The ratio of refugee integration in intrarepublican labor market is fluctuating from 0.67 for the people aged 50-59 years to 0.78 for the people aged 25-39 years.
- Emigration activity of refugees is 2-3 times higher than that of indigenous people for the following reasons: for lack of housing (over 13,000 families have to live in temporary lodgings for lack of permanent residence), for lack of jobs, because of language barrier, unadjustedness to the rural way of life (since most of refugees living in rural area are hereditary town-dwellers they are incompatible with indigenous rural dwellers by their mentality).
- The unemployment rate of refugees is 3.6 times more than that of indigenous people.

## Migration

The out-migration ratio is still growing.

According to the statistics there was the following difference in the number of people who left Armenia and the number of people who arrived in Armenia through Zvartnotz Airport in the city of Armenia:

Years	1998	1999	2000	From January through September, 2001.
Difference in the number of people	24,400	7,000	25,700	43,300

According to the RIA News about 700,000 Armenians left Armenia for Russia in the past 7 years.

According to the Armenian Office of International Organization of Migration (IOM) the asylum in European countries was asked by 6,500 Armenian citizens in 2000 and by 4582 Armenian citizens in 2001.

At the same time, according to the Department for Migration and Refugees at the Government of the Republic of Armenia 11,000 Armenians, mostly, from Abkhazia, South Ossetia and Chechnya, are seeking for asylum in the Republic of Armenia.

According to the independent experts about 1 mln. people left Armenia in 1990-2001.



## Corruption

The sociological investigations which were carried on by the NGO of Armenian Democratic Forum in cooperation with the World Bank covered the opinions of 400 respondents, including 53.3% of private entrepreneurs in the field of retail or wholesale trade and 14.3 % of those in the field of service, the prospects of upswing and development of business in the Republic of Armenia in view of their experience in registration of their private enterprises, registration of licenses for trade activities and mutual relationship with various oversight and service agencies.

The investigations showed that none of companies could do without bribing to be registered.

The officials of Tax Department, National License Committee, Sanitary and Fire Inspections, local self-governments and Pension Fund are those who take bribes most often. The officials of the above agencies used to require the amount of US \$ 85 in the average as a bribe.

After a company has been registered a license is required to put a company into operation.

25% of respondents had to bribe officials to obtain a license whereas 17.2 % of respondents had to apply for somebody's high protection.

According to the respondents the business activity is deterred in the Republic of Armenia by the following main factors:

- Imperfectness of tax legislation (57%);
- Low purchasing power of population (46.8%)
- Corruption of government agencies (22.3%);
- Frequent inspections by control authorities (22.3%);
- Bureaucratic procrastinations (22.3%); and

Permanent chaotic amendments to national legislation urging them to loop-holes to be sought in the active tax regulations to pass them over.

The entrepreneurs stated that the corruption was most peculiar to the government agencies charged to regulate and to control the performance of enterprises, namely:

- Customs (37.5%);
- Tax Department (36.8%);
- Offices of the Prosecutors (32.3%).

It is worth of mentioning that the entrepreneurs apply to court very rarely in case their rights are infringed (only 5.5%).

The entrepreneurs consider the corruptibility to be most inherent in such government agencies as the police (85.3%), the offices of prosecutors (84.8%) and the courts (83.0%).

“The black panel” of tax evaders which was published by the RA Ministry of State Revenues included 458 enterprises and organizations, but, in practice, many of them are the most prosperous in the Republic of Armenia and they either enjoy the protection of high-ranking officials or even are owned by them.

The following information was published by the press:

- The former RA President “saved up” about US \$ 153 mln. by himself during the term of his office, besides huge fortunes made by his brothers, other relations and intimates;

- The actual RA Minister for State Property Administration lost US\$ 120 thsd. at the casino;
- Being in office the former RA Minister of Industry took possession of the property to the amount of US\$ 3 mln., including the stocks to the amount of US\$ 500 thsd. which are seized by the Office of General Prosecutor;
- The former RA Minister of Transport and Communication took possession of real estate to the amount of US\$ 5 mln., manage to open his own restaurant and the like.

In practice, all the former and the actual RA Ministers, many of the RA Prime-ministers and their Deputies, a lot of high-ranking officials, leaders of political parties and movements as well as the Deputies to the RA National Assembly should also be mentioned apropos this to replenish the ranks of remarkable figures who used to take advantage of their position.

It should also be noted that each key figure had/has his own machinery and extortion system.

In general, political struggle is pursued in Armenia not for whatever political, social or economic ideals, but for lucrative appointments.

Thus, the extortions are imposed even on parents for issuance of birth certificates on their children.

In one of the RA regions about 1 thsd. children have not had their birth certificates though many of them have already reached the age of 5. Their parents are not able “to redeem” birth certificates for lack of money.

“An Armenian Minister has never lived so well as now. He is wealthier than any successful entrepreneur for many times. A bribe has become as usual as shaking hands with other people when meeting them.

Every business may be started only on shares with a Minister. In Armenia the way to the prosperity lies through the possession of power.

Such a mergence of power and criminals has become tremendous by now”. (The newspaper “Golos Armenii” (“Voice of Armenia”) of 3 September 2002).

The newspaper “Aravot” (“Morning”) reported on 106 profitable entities, such as stores, casinos and the like located in the most prestige streets in the center of the city of Yerevan which are either protected or possessed by Ministers, high-ranking officials or Deputies to the RA National Assembly.

It is worth of mentioning that many of those people are designated by their criminal or street nicknames.

As a matter of fact, the Republic of Armenia is “owned” by the personages, no matter whether they are of higher echelon or minor officials, who have the impudence to form a system of power based on corruption and affiliated to criminal authorities, moreover, they have no fear to strengthen this system with open impunity.

All this has been happening for quite a long period of time in sight of law-enforcement bodies and with their participation.

## Justice Administration

Just after the independence of the Republic of Armenia had been proclaimed its justice administration started undergoing the transformation from the system serving and protecting the ideological principles of administrative and political regime of previous times into the system protecting the private interests of high-ranking officials and their myrmidons.

According to the Constitution of the Republic of Armenia the judicial branch of power is independent, but in practice this declarative proclamation has entailed the formation of an obedient machinery to administer justice in favor of higher echelon.

The RA system of justice is always prepared to fill an order of higher executive agencies to protect their interests or to punish this or that zealous state official for his/her words or deeds shattering “the stable balance” of clan and corporative interests.

In response to such a loyalty of Themis’s servants to their interests the higher executive agencies prefer to ignore the claims of wide sections of population and their complaints for corruptibility and corporatism within the system of justice.

For instance, M.Saghatelyan, the former head of the Department for Execution of Punishments at the RA Ministry of Internal Affairs (MIA), who joined “the irreconcilable opposition” in 2001 after he had been fired, made an attempt to denounce the actual RA President and RA Minister of Defense for arranging the shooting in the building of Armenian Parliament on 27 October 1999 bringing a false accusation against them.

M.Saghatelyan was under an accusation of the following for the period of his working at MIA:

- He obtained a faked higher education diploma and produced it to the Staff Department of MIA to assume the military ranks of mayor, lieutenant-colonel and colonel which were consecutively given to him.
- He also obtained a faked higher education diploma for his cousin A.Martirosyan to assist him in his advance in office at the MIA.
- He used to exceed his commission handling the victims with violence. After V.Dorogonov and R.Zoryan had been caught when making a failed attempt to escape he himself beat the two convicts so severely that broke Zoryan’s arm. Then he ordered to hose R.Zoryan and to leave him undressed outside in the cold weather. Some days later, on 13 November 1994, R.Zoryan died.
- He also showed himself in the beatings of the former high-ranking officers of the RA MIA when they were detained in the Botanical Gardens on 21 June 1995 (“The Black Colonels’ case”).
- On 26 September 1996 he himself beat the Deputies to the RA National Assembly, representatives of the opposition who disputed the faked elections of the President of the Republic of Armenia.
- He beat M.Mkrtchayn detained for the shooting in the building of Parliament under the case of “27 October” to his death in the investigation cell.

It is obvious that the above accusations could have served as solid legal grounds to institute criminal proceedings against M.Saghatelyan ever since his early days at in the RA MIA.

But Themis started responding only in the beginning of 2002 when M.Saghatelyan proved to threaten the authorities.

Here is another case of similar kind.

In September of 2001 P.Poghosyan, a citizen of the Republic of Georgia, died from the head injury.

As a result of investigation the accusation was brought against A.Harootiunyan, the RA President's body-guard who was condemned to suspended sentence of one-year imprisonment. Thus, the homicide happened in reality, but the sentence turned out to be suspended.

After the sentence had been passed the counsel for the plaintiff told that the case had been lost by everybody, namely, the victim party he represented to an action at law, the RA President and the whole Armenian society.

There are a lot of such cases disturbing the public opinion, but the cases of ordinary people who have no opportunity to enjoy their right to be protected by Law remain in the shadow unknown to public.

The impartiality of Themis is to a great extent negatively affected by the interests of clans and families to be protected by the system of government in the Republic of Armenia.

A lot of state officials of government and executive agencies, law-enforcement and judicial bodies, and local bodies of government (self-government) are directly related to each other by family or marriage ties, and occupying leading positions they are able to block any decisions to be taken against the interests of their family, clan or the like.

The corporative interests tend to be protected by the system of justice in threatening volume.

“The caste solidarity” within the system of justice affords no opportunity for bringing the performance of judges under effective public control.

For instance, the Office of the Prosecutor instituted legal proceedings against K.Kazaryan, the former judge of the court of first instance in one of communities in the city of Yerevan.

The violations, which were committed by K.Kazaryan as a judge during the hearing on a case regarding the possession of an apartment underlay the criminal case # 62227300 of 19 April 2000.

The convincing evidence was given to the collusive forgery made by the judge.

The corpus delicti was accepted by the Prosecutor, but the case was dropped “for the amnesty taking effect”. This decision was appealed to the Office of the General Prosecutor.

Though the facts evidencing to the violations made by the judge were confirmed as liable to punishment according to the RA Criminal Code by the investigator for particularly important cases of the Office of the General Prosecutor in his written decision the case was dropped “for lack of corpus delicti” stated by him in the same decision.

Nevertheless, now K.Kazaryan is in office as a judge of the Court of Appeals.

Over a dozen of appeals were made to different instances by the claimant for the restoration of justice. In response to numerous appeals to the Office of the General Prosecutor, to the RA Ministry of Justice and even to the Council of Justice headed by the RA President the national NGOs who had made those appeals used to have the only recommendation “to apply to the RA Ministry of Justice”. However, the RA Ministry of Justice is unwilling to punish the judge for the crime committed by her. Moreover, this judge has been promoted.

A lot of similar examples may also be brought.

## **Law-enforcement system**

The RA law-enforcement bodies are suffering from the same “diseases” which are peculiar to the system of justice.

The results of many sociological investigations showed that the level of corruptibility within the law-enforcement bodies was similar to that within the system of justice. And corporatism and common mutual guarantee also appear to be the same.

The appeal of the Committee for Human Rights at the RA President was satisfied by the Working Group of the RA Office of the General Prosecutor established on 13 July 2001 to investigate the acts of violence used by the officers of the Office of the Military Prosecutor and the Military Police.

The facts of lawlessness were confirmed by the Working Group in its report on 15 criminal cases investigated regarding to some of them.

However, it looks strange that the acts of violence used by the officers of the Office of the Military Procurator and the Military Police “were noticed” by the Office of the General Prosecutor and by other government agencies only after the General Military Prosecutor had started actively speaking on the side of “irreconcilable opposition”.

The newspaper “New Times” of 23 March 2002 reported on the brutal murder of a soldier in one of military units. This tragedy could have been considered an accident as usual unless there had been some peculiarity. The murdered soldier was an activist of the action against the conscription of post-graduates, one of 50 paying post-graduates who were additionally admitted into post-graduate course.

In November 2001 they undertook an overt action against their conscription and put into court.

However, they were not left to expect legal proceedings.

On the contrary, all the fifty post-graduates were immediately conscripted, and one of them was beaten to death.

On 24 August 2002 the founders of the Abovyan TV-company together with their executive director were beaten by a group of unknown persons in the company office.

The investigator who came to the office of the company on the following day offered the executive director to go to the District Department of Internal Affairs. According to the executive director she was met there by the Mayor together with one of those people who had attacked the office of the company a day before, and the Mayor began threatening her and her sons in the presence of the representatives of law-enforcement bodies. Besides, the content of her claim was amended by the staff of the district Department of Internal Affairs without her permission and the forensic medical examination of her was dragged out in every possible way.

On 30 August 2002 at the press-conference in the city of Yerevan the executive director of the Abovyan TV-company charged the Mayor with individual responsibility for the incident on account of being bitterly criticized for his deeds in office.

(Press Club Weekly Bulletin of 3 August – 6 September 2002).

According to the results of sociological investigation which was made by one of the research organizations at the request of the World Bank only 2% of representatives of various social groups reported on their trust in the RA law-enforcement system.

The latest investigations showed that the lack for legal protection of citizens appears to be the predominant factor of high rate of migration together with other social and economic factors.

## Actual Situation in Respect to Human Rights and Freedoms in the Republic of Armenia

Fundamental Human Rights and  
Freedoms Proclaimed in the  
Constitution of the Republic of  
Armenia

### Actual Situation

#### 1. *The right to be equal before the law*

This right is far from being observed.

The Law is mainly used to protect those nepotic clans or criminal factions, which have their members in the government agencies as holders of offices or in the regions as non-official possessors of populated areas.

For instance, the villagers of the village of Tsovinarh in the region of Vardenis have made numerous claims on their village elder for demanding bribes from them for allotment of agricultural lands, for misappropriation of humanitarian aid which was provided to the victims of absolute drought by international organizations, for arbitrary raise of charges for irrigation water, for forgeries and for many other criminal actions aimed at his personal enrichment. They have been making appeals to all the RA law-enforcement bodies urging them to institute criminal proceedings against their village elder.

#### 2. *The right to life*

The moratorium on the execution of death sentences is still in force.

However, the public-opinion poll showed that Armenian people considered any murderers to be worth of capital punishment.

As many as 120 people died by violence in the Republic of Armenia in 2001.

The revocation of capital punishment in the RA Criminal Code would be treated as an unpopular step of the RA actual President as the public which is incessantly provoked by “irreconcilable opposition” calls for capital punishment to be inflicted on the persons guilty of shooting down the members of the RA Government and the RA Parliament on 27 October 1999. The public opinion is also formed under the influence of atmosphere of lawlessness and arbitrariness when the individuals who are guilty of murders used to be acquitted (e.g. the murders of servicemen in consequence of non-combatant relations in the army, the murder of the citizen of Georgia committed by the RA President’s body-guard and the like).

**3. *The right to liberty and security***

This right used to be violated everywhere, especially, in rural areas and small towns of the Republic of Armenia.

The arbitrariness of the officers of law-enforcement bodies appears to be unlimited in the RA regions.

Most of people are so intimidated that they are ready to testify against anybody under psychological or physical pressure. This factor is used by different local factions, especially during the electoral campaigns to local bodies of self-government.

The situation appears to be somewhat different in the capital city of Yerevan.

The opposition is being formed in the course of struggle for power.

The governmental authorities used to institute criminal proceedings against the members of opposition for the actions, which had been previously taken by them being in an office under Government. In its turn, the opposition used to treat those cases as political persecution.

The fact is that the law-enforcement system is used for the sake of authorities to protect their interests leaving ordinary people without any protection.

**4. *The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment***

This right used to be violated everywhere.

For instance, the criminal proceedings against M.Madoyan, a servicemen, for the murder of A.Adamyan, a soldier, were completed on 13 November 2001 with the conviction of M.Madoyan.

But in order to force a confession the defendant had been beaten so severely that he had to be sent to hospital with a diagnosis of malaria which was made by the investigator (no matter how strange it would have been), but was not confirmed by the doctors when they examined him.

All the above circumstances were ignored by the judge when he sentenced M.Madoyan to a ten years' imprisonment.

There are a lot of similar cases which might be brought as examples.

**5. *The right not to be subjected to arbitrary interference with his privacy, family or correspondence.***

This right is proclaimed, but it is not observed in practice.

Most frequently this right is violated by local authorities of municipalities in remote areas of the Republic of Armenia.

The villagers of some rural communities of the region of Vardenis are quite impotent against arbitrary rule of the staff of local bodies of government and self-government interfering with their privacy whenever they want.

For instance, on 24 August 2002 a 78-aged refugee, his wife and his son were beaten by their village elder of the village Geghamabak in the region of Vardenis. The victims together with other villagers

have repeatedly applied to regional law-enforcement bodies for help and protection. But the clannish and criminal system of mutual guarantee among the staff of local law-enforcement bodies and of local bodies of self-government leaves no chance for common people to exercise their right to protection.

The same village elder together with the officers of regional law-enforcement bodies exerted physical pressure upon another refugee who made attempts to apply to law-enforcement bodies for the defense of himself and his family from the village elder's relatives encroaching upon his family's privacy.

6. ***The right not to be subjected to arbitrary interference with his home***

This right is violated in case somebody's possession of housing appear to impede the interests of other people; it especially applies to refugees' housing.

For instance, in 1988 the family of L.Babajanova, a refugee from the city of Baku, Azerbaijan, moved in the room unsuitable for housing in the block of flats #8 in Moskovyan street in the city of Yerevan.

The Babajanovs have managed to settle and even to put their housing in capital repairs for their 12-years stay in Armenia. Now their housing is assigned to A.Mardoyan, the former security to the former RA President, who has the law-enforcement bodies on his side. This judicial case was falsified; and the falsifiers themselves confessed of it.

The law-enforcement system, especially in remote areas of the Republic of Armenia, is quite unused to operating within the framework of the RA actual legislation.

7. ***The right to freedom of movement and residence***

Every citizen may move about and choose his residence place in the Republic of Armenia provided the housing is available.

8. ***The right to freedom of thought, conscience and religion***

The RA legislation includes this right set forth in the following RA Laws: On NGOs, On Non-Governmental and Political Organizations and Movements; On Freedom of Conscience and Religion, and others.

The only religious organization which has not been registered by the RA Ministry of Justice is the Jehovah's Witnesses due to inconformity of provisions of their constituent documents to the RA legislation.

22 young men of military age, the members of Jehovah's Witnesses were convicted for evading military service.

By order of the European Council the RA National Assembly considered the RA Draft Law on Alternative Military Service, but the presented version proved to be immoral and reactionary.



**9. The right to freedom of speech**

This right is observed, but there are not any independent organs of mass media in the Republic of Armenia. The organs of mass media are engaged by political coalitions, the power Ministries or some corporative factions.

Currently the regional authorities are tending to put powerful pressure upon regional organs of mass media.

For instance, the executive director of the Abovyan TV-company was beaten by a group of criminals “by order” of the Mayor of the city of Abovyan for a series of critical telecasts about him.

Actually, in the RA regions the local kinglets have bent all the mass media to their interests providing them with financial aid.

The “A+1” TV-Channel together with the Noahyan Tapan Information Agency were deprived of their telecasting channel for the formal reason of inconformity of the presented documents to the conditions of contest for this channel.

At first the Noahyan Tapan Information Agency was deprived of telecasting channel for improper drafting of their agreement with a private company representing the channel on leaseholding terms, and the now “A+1” TV-Channel is treated in similar way.

But oppositional parties have removed the above difficulties of media from the field of law into the field of politics using these problems in their favor during their electoral campaigns.

“On 22 August 2002 the Central Election Committee of the Republic of Armenia adopted a resolution on accreditation of journalists to report on municipal elections to be held in October of 2002. In accordance with newly established procedure any organ of mass media is entitled to accredit two journalists at the Central Election Committee and two journalists at the District Election Committee each. This resolution does not conform to the RA Election Code.” (after the Yerevan Press-Club Weekly Bulletin of 3 August - 6 September 2002).

**10. The right to association with other people**

This right is observed.

**11. The right to freedom of peaceful assembly, meetings, processions and demonstrations**

This right is observed in accordance with the RA actual legislation.

**12. The right to take part in the government of his country**

This right is proclaimed in a declarative way.

In the first instance this right should be exercised through free and fair elections as well as through national referenda for urgent and vi-

tal problems of the state and the society.

In 12 years of Armenia's "new history" two referenda were held, namely, on the independence of the Republic of Armenia and on the Draft Constitution of the Republic of Armenia.

Free and fair elections must be ensured by proper legislation based on the principles of democracy and by administrative resources to be used during electoral campaigns in accordance with their nature.

The RA Electoral Legislation is making progress towards its improvement to be up to European standards, but as to administrative resources the methods of their application used to be modified from elections to elections by nepotic clans and criminal factions longing for power in the most extravagant way.

The most important person who may influence the electorate in rural areas appear to be a village elder.

The villagers used to vote for a candidate depending on their village elder's belonging to this or that nepotic clan or criminal faction.

The competitive factions used to unleash "the hardest skirmish" during the electoral campaigns to local bodies of self-government applying dirty technologies, forgeries, criminal disputes and other methods.

For instance, according to the villagers of the village of Geghabak in the region of Vardenis their village elder invited his relatives and friends from the regional center to vote for himself, and thus he was elected for the next term of office.

Having relations and being on friendly terms with the staff of law-enforcement bodies of the region this village elder intimidated the indigenous villagers, and their reports on forgeries and injustice during the elections were neglected by regional authorities and authorities of the marz.

The results of elections in small towns and in the capital city of Yerevan depend, to a great extent, on the chairmen of Election Committees at various levels with regard to whose interests they protect.

The elections which had been held in Armenia for the past 10 years showed that the Chairman of the Central Election Committee used to execute a political order of ruling authorities and to form the results required by certain ruling factions or individuals.

During the elections of various levels a lot of dirty technologies are used, such as bribery of electorate, intimidation of electorate through local criminal authorities, pressure of law-enforcement bodies on electorate and administrative pressure, e.g. through a threat of being fired or deprived of the right to agitation via mass media, or of being deprived of water- or power- supply and others.

**13. *The right to free choice of employment***

The right is proclaimed in a declarative way.

Though every citizen has the right to free choice of employment

there is not any labor market in the Republic of Armenia

14. ***The right to own property and succession***      The right is observed. However, many problems of ownership or inheritance remained unsettled by succession of socialist system; and since they were not settled or processed in due time some judges prefer their own interests to the law to be protected when judging them.
15. ***The right to adequate standard of living, including housing***      The right is not observed.
- According to the World Health Organization Armenia, Moldova, and Georgia are the poorest countries in Europe.
- According to the WHO Annual Report the ratio of Gross Domestic Product per capita, estimated by the parity of purchasing power in Armenia, totals US \$ 2.2 thsd.
- The thesis of inconformity of statistics regarding the growth of GDP for the year of 2001 and for the first 6 months of 2002 was justified in the above of survey of social and economic situation of the Republic of Armenia.
- According to independent experts over 5 thsd. children are not able to go to school for lack of shoes, clothes and money for school necessities and text-books.
- At the meetings with villagers in mountain villages some parents told that their children would not be able to survive for lack of food during the coming winter season.
16. ***The right to social security in the event of old age, disability, sickness, widowhood and unemployment***      This right is proclaimed in a declarative way.
- The system of social security appears to be immoral and vicious (see the survey of social and economic situation in the Republic of Armenia).
17. ***The right to medical care***      The RA Government has not developed any clear policy of reforms in the field of health care and medical service of population.
- The RA Ministers of Health have been permanently changed for the past years, and for the term of office each Minister's mind had been occupied by the mere idea of being employed after inevitable resignation.
- The reforms of health care system aimed to raise its efficiency, which have been drafted by the RA Government, appear to be faulty as the people in remote villages of mountain regions will not be able to apply for timely medical assistance.
- Besides, these reforms stipulate to dismiss 25,000 – 35,000 medical workers.
- Moreover, as a result of mass migration from Armenia the standard of professional competency of medical personnel has considerably

degraded.

Besides, the RA regions are not supplied with necessary pharmaceutical products and medications.

**18. *The right to education***

The general elementary education of children is hampered by a very low standard of living. A great number of parents cannot afford sending their children to school for the lack of money, especially in rural areas.

Most of school-leavers cannot afford the higher education due to its expensiveness.

**19. *The right to defend one's own rights and freedoms***

Though this right is proclaimed it may be exercised only by certain individuals or groups of people.

As a rule, the RA system of justice is always ready to protect the interests of authorities or of those people who are prepared to bribe.

In accordance with the principles of mutual guarantee unofficially applied by the system of justice the claims against certain officials of authorities are repudiated.

Even if the decision is taken in favor of a claimant who has made a claim against authorities to the court of first instance this decision cannot be put into life remaining "on the paper", or this decision is repudiated by the Court of Appeals.

**20. *The right to a fair and public hearing by an independent and impartial tribunal***

Actually, the legal proceedings are always held openly and publicly except for the cases of closed court proceedings stipulated by special reasons.

However, in practice the attendance may be restricted in view of insufficient space for public as 90% of offices in the courts are too small, improper and out of sanitary standards.

Despite the sweeping reforms of judicial system it should not become independent and impartial for a lot of different reasons of moral, cultural, social, political, legal or procedural nature.

**21. *The right to legal assistance and to a lawyer when being arrested, taken into custody or charged with a crime***

This right is declared in all the RA Laws regulating the performance of the whole law-enforcement system.

But the practice shows the following:

1. Investigative agencies are not concerned about the enforcement of this right.
2. The attorneys of attorney associations who practise law should be paid by their clients. Thus, their service appears to be inaccessible to wide sections of population.
3. The attorneys who are represented by law-enforcement bodies, as a rule, do not wish for spoiling relations with their

employer. So, the defence is unsatisfactory.

4. Legal literacy of people is very poor, and detainees as well as plaintiffs or witnesses are not informed on their rights and duties by the RA law-enforcement officials though they must do it according to the RA legislation.

Wide sections of population are provided with legal or counsel assistance, mainly, by competent NGOs.

**22. The right to be presumed innocent until proved guilty**

This right is of declarative nature, and in practice, it is not enforced as regards to wide sections of population.

On the contrary, the case is dropped for the lack of evidence if only some certain person of ruling elite happens to be a “casual” respondent in judicial proceeding. So, this right is observed in respect to such kind of people.

**23. The right not to testify against himself, his spouse and close relatives, not to use evidence obtained through the violation of law.**

This right is everywhere infringed by law-enforcement agencies, such as the military police, the investigative agencies of police or the offices of the prosecutors.

As a rule, the method of obtaining the evidence is not considered during legal proceedings. Though the defendant and witnesses are usually informed on this right during legal proceedings the evidence will have been submitted to the court and legalized by that time. So, the information on this right proves to be declared behindhand.

The investigative agencies of police and the offices of prosecutors are “a single whole”; so, these officials are not interested in doubting the evidence.

*The A.D.Sakharov Armenian Human Rights Centre possesses the information to prove the violations of human rights and freedoms. This information has been gained from the communications of mass media, other NGOs and personal statements and claims of individuals who applied to us for legal and counsel assistance from 1 October 2001 to 30 September 2002.*



Levon Nersisyan

*Director of the A.D.Sakharov Armenian Human Rights Centre*