

Armenia

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Capital: Yerevan
Population: 3.1 million
GNI/capita, PPP: US\$6,100

Source: The data above are drawn from the World Bank's *World Development Indicators 2013*.

Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	5.75	5.75	5.75	5.75	5.50	5.75	5.75	5.75	5.75	5.75
Civil Society	3.50	3.50	3.50	3.50	3.50	3.75	3.75	3.75	3.75	3.75
Independent Media	5.25	5.50	5.50	5.75	5.75	6.00	6.00	6.00	6.00	5.75
Governance*	4.75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	5.00	5.00	5.25	5.25	5.75	5.75	5.75	5.75	5.75
Local Democratic Governance	n/a	5.50	5.50	5.50	5.50	5.50	5.50	5.75	5.75	5.75
Judicial Framework and Independence	5.00	5.25	5.00	5.00	5.25	5.50	5.50	5.50	5.50	5.50
Corruption	5.75	5.75	5.75	5.75	5.75	5.50	5.50	5.50	5.25	5.25
Democracy Score	5.00	5.18	5.14	5.21	5.21	5.39	5.39	5.43	5.39	5.36

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

The first years following Armenia's independence from the USSR in 1991 were extremely turbulent. War with neighboring Azerbaijan, an energy crisis, and a transportation blockade that left landlocked Armenia with just two open borders—one with war-torn Georgia and the other with Iran—all contributed to the country's economic collapse in the early 1990s. In the mid-90s, Armenia began to recover economically but the unresolved territorial conflict and blockade by Azerbaijan and Turkey remain to this day.

Abrupt economic restructuring and a decline in living standards in Armenia's post-Soviet economy have caused social frustration and political apathy. Excessive overlap between political and economic interests in Armenia has depleted public trust in political elites, as has their record of rigged elections and corrupt administrative practices. Results of every national election since 1995 have been challenged by the opposition, which, as a result, does not recognize the legitimacy of Armenia's parliament, president, or constitution, and remains personality-driven and passive between elections. Mass postelection protests in spring 2008 evoked a violent response from the authorities, leaving 10 protesters dead and hundreds wounded.

In May 2012, Armenia conducted its first national polls since the postelection unrest of 2008. The elections were also the first to take place under a new electoral code, which lifted administrative restrictions on campaigning and regulated media to ensure balanced coverage of all parties during the campaign period. Nevertheless, vote-buying and voter intimidation remained extremely prevalent. All major political forces won seats in the new parliament, thus enhancing the legitimacy of the legislature as a representative body. However, the unexplained decision of the two main opposition parties not to field candidates for the 2013 presidential race dashed hopes of a truly competitive political environment.

National Democratic Governance. As a result of the parliamentary elections in May, all leading political forces gained representation in Armenia's parliament. Nevertheless, the events of the year reinforced the dominance of the ruling Republican Party of Armenia. Dubious tax evasion charges were brought against a serious challenger to the incumbent president in the run-up to presidential elections in early 2013. The so-called Safarov affair and border skirmishes threatened to derail peace negotiations with Azerbaijan over the disputed Nagorno-Karabakh territory. Armenia made some progress towards European integration, signing a visa facilitation agreement with the European Union (EU) that will enter into force in 2013. *Armenia's national democratic governance rating remains unchanged at 5.75.*

Electoral Process. Although parliamentary elections in May 2012 showed notable improvements in balanced media coverage and effective campaigning by all parties, vote-buying and voter intimidation remained extremely prevalent. For the first time, the Armenian National Congress, which had formerly denounced all government institutions, won seats in the legislature and began participating in parliamentary politics. However, the impact of increased pluralism in the legislature was called into question when major opposition parties announced that they would not field candidates in next year's presidential elections. *Armenia's electoral process rating remains unchanged at 5.75.*

Civil Society. Armenia's civil society is active and diverse. In 2012, the number of nongovernmental organizations continued to grow, with public campaigns widening in scope and increasingly focusing on human rights and abuse of power. However, despite certain gains, civil society initiatives did not always succeed in changing government policy. *Armenia's civil society rating remains unchanged at 3.75.*

Independent Media. The reach of print media remains limited and major television stations are typically co-opted by incumbent political forces. Nevertheless, media monitoring reports concluded that all leading parties had had equal access to media coverage in the run-up to the May elections. The television station A1+, which had been denied a license for years, returned to the airwaves via Armnews TV. Due to the persistence of journalists, authorities proved more responsive to freedom of information requests in 2012. The year saw a slight decline in the number of defamation suits. Online news sources are increasingly diverse and operate freely. *Armenia's independent media rating improves from 6.00 to 5.75.*

Local Democratic Governance. While nominally independent, Armenia's self-governed communities remain weak and underfunded. Local elections throughout the country in 2012 were peaceful and orderly but the involvement of the political opposition was low. *Armenia's local democratic governance rating remains unchanged at 5.75.*

Judicial Framework and Independence. The government launched large-scale reforms affecting law enforcement and the criminal justice system in mid-2012, but the impact of the changes could not be gauged at year's end. The judiciary remains dependent on the executive branch and human rights violations occur regularly. *Armenia's judicial framework and independence rating remains unchanged at 5.50.*

Corruption. Corruption remains a major concern in Armenian society. Several corruption scandals emerged in 2012 involving low-level as well as senior officials. The government adopted several anticorruption measures and some corruption cases were even brought to court. However, in the absence of more systemic anticorruption efforts, *Armenia's corruption remains unchanged at 5.50.*

Outlook for 2013. Incumbent president Serzh Sargsyan will easily win the 2013 election in the absence of strong competition, and the ruling party will preserve its patronage over the state administration. The year 2013 will show the first results of key ongoing reforms in the sphere of justice and steps towards European integration. Economic growth will remain fragile: Armenia's domestic market is small, making it strongly dependent on external market prices for Armenia's exports. The peace process around Nagorno-Karabakh will stagnate as a consequence of the 2012 Safarov case.

MAIN REPORT

National Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	5.00	5.00	5.25	5.25	5.75	5.75	5.75	5.75	5.75

Armenia's political system operates on the basis of consensus among elite groups that control economic and political resources. Society has little leverage over legislative processes or political decision-making; consequently, trust in governing institutions is very low. Election results are regularly challenged by the opposition, which is personality-driven and passive between elections. Postelection unrest is a common occurrence, with the events of 2008 representing a dramatic escalation in both the scale of protests and the brutality of the government's response. Since 2007, the incumbent Republican Party of Armenia (HHK) has progressively asserted greater control over state institutions.

Parliamentary elections in May marked the first national poll since 2008. For the first time since the mid-1990s, all major political parties won seats in parliament—including the Armenian National Congress (Hayastani Azgayin Kongres, HAK), a coalition of 13 opposition parties and the force behind the 2008 postelection protests. Following a dialogue with the government that began in 2011, the HAK agreed to take part in the election and accept its mandates, thus moving its political engagement from the streets to the legislature. The inclusion of the HAK contributed to a more pluralistic parliament and the unusual absence of street rallies following the election. The ruling coalition—comprised of the HHK and the much smaller Rule of Law party (Orinats Yerkir Kusaktsutyun, OEK)—has 75 mandates, while the four parties of the opposition have 56 mandates between them.

Just prior to the May vote, the Prosperous Armenia Party (Bargavaj Hayastan Kusaktsutyun, BHK) left the ruling coalition, prompting speculation that it would put forward a credible challenger to the incumbent in presidential elections scheduled for early 2013. As a former coalition partner, BHK enjoyed large public support, coming in second with 30 percent of the vote (compared to 44 percent won by the ruling HHK). In October, HAK spokesman Levon Zurabyan suggested his party might cooperate with the BHK, although there was disagreement within the HAK on this matter.¹ Media widely speculated that BHK would nominate former minister of foreign affairs and BHK member of parliament (MP) Vardan Oskanian as its candidate. Oskanian's Civilitas Foundation was charged with money laundering in October and the ruling majority in parliament voted to strip Oskanian of his parliamentary immunity so that he could testify in the case. Oskanian claimed the charges were an attempt to dissuade him or any other BHK candidate from running against incumbent president Serzh Sargsyan in 2013. The

ombudsman, the Parliamentary Assembly for the Council of Europe (PACE), and the United States Embassy to Armenia expressed concern that the case against Oskanian threatened democracy in Armenia.²³ With Oskanian under investigation, only two serious contenders remained—the leader of BHK, Gagik Tsarukyan, and Armenia's first president and leader of the HAK, Levon Ter-Petrosyan. In mid-December, both leaders announced that their parties would neither nominate nor support any candidates for president.⁴

Armenia's political system operates on the basis of consensus among elite groups that Armenia remains an extremely poor country. With the start of global recession, the segment of the population living in poverty rose from 27.5 percent in 2008 to 35 percent in 2011.⁵ However, gross domestic product (GDP) increased by 7.2 percent in 2012, even more than the 4.2 percent predicted by the government.⁶ Armenia's *Doing Business* ratings improved dramatically in 2012, rising from 50 to 32 as a result of improvements in the sphere of taxation, new legal protections for investors, and procedures for getting electricity.⁷ However, foreign investment declined in the first half of 2012, mostly due to the end of major investment projects in communications and mining.⁸

There was no progress in the resolution of the territorial dispute over Nagorno-Karabakh in 2012. Relations with Azerbaijan were further complicated by border skirmishes that occurred throughout the year, claiming several lives on both sides. Another setback came when Hungary extradited convicted axe-murderer Ramil Safarov, a former army officer serving a life sentence for murdering an Armenian student during a NATO-sponsored English course in Budapest in 2004. Upon arrival in Baku, Azerbaijani President Ilham Aliyev pardoned Safarov and honored him with a hero's welcome. Several rallies protesting his extradition were held in Yerevan, calling for domestic and international denunciation of Hungary's actions. Armenia subsequently severed diplomatic relations with Hungary. The European Union (EU) Ministry for Foreign Affairs, the U.S. Department of State, and U.S. president Barack Obama asked Hungary to explain its decision to send Safarov home and voiced concern that Safarov's pardon could derail ongoing reconciliation efforts.⁹ The presidents of Armenia and Azerbaijan signed only one joint statement regarding Nagorno-Karabakh in 2012¹⁰ and held no further meetings after the Safarov scandal. In November, however, the Armenian government expressed its commitment to continuing negotiations¹¹.

Armenia made some progress towards European integration in 2012 and is in negotiations with the EU to establish an Association Agreement by summer 2013. At an October meeting of the Armenia-EU Cooperation Committee in Brussels, representatives from the Armenian government and the European Commission concluded that Armenia is advancing along all dimensions of EU cooperation, including preparations for the establishment of a Deep and Comprehensive Free Trade Area and economic integration.¹² In December, Armenia signed a visa-facilitation agreement with the EU that will enter into force in 2013.¹³

Electoral Process

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.75	5.75	5.75	5.75	5.50	5.75	5.75	5.75	5.75	5.75

In May, Armenia held its first national elections since the postelection violence of 2008. The elections were also the first to take place under a new electoral code that lifted administrative restrictions on campaigning and regulated media to ensure balanced coverage of all parties during the campaign period.¹⁴ Debates between party representatives were televised and opportunities for free and paid television advertising were generally equal and transparent.¹⁵ Nevertheless, as in previous years, elections in 2012 were marred by systemic fraud. While observers noted a decline in ballot-stuffing, other violations such as vote-buying and voter intimidation and falsification were more prevalent.¹⁶

The Armenian parliament is elected using a mixed system: 90 mandates are filled via party lists, and 41 by majority vote. In past elections, the ruling party has used administrative resources to recruit local leaders into its ranks, giving it the upper hand in majoritarian districts. In an effort to mitigate this unfair advantage, two opposition parties in parliament—Dashnaksutyun and Heritage—submitted a draft bill in early 2012 proposing the conversion of all majoritarian districts to the proportional system. On 29 February, the ruling coalition rejected the bill, arguing that a fully proportional system would greatly reduce local representation in the country's many isolated, mountainous regions.

In an effort to increase transparency, Armenia's Central Electoral Commission (CEC) posted voter lists online ahead of the May elections. The finalized list contained 2,522,906 voters,¹⁷ an increase from the 2,370,781 counted in 2008.¹⁸ Members of the opposition insisted the numbers had been falsified to benefit the ruling party. Voter turnout was similar to previous elections at around 60 percent. However, a comparison of registered voters with actual population data suggests that this figure may have been suppressed by more than 30 percent due to artificially inflated voter lists.¹⁹

The elections were observed by an international mission of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), PACE, and the European Parliament (EP), with 350 observers from 42 countries, including 41 long-term observers and experts.²⁰ There were also observers from the International Foundation for Electoral Systems and other bodies. The presence of foreign observers is believed to have significantly reduced the number of polling station violations.²¹ International observers were also joined by a record-breaking 31,541 local observers from 54 organizations, representing 16 observers for each of Armenia's 1,945 precincts.²² Individual voters were able to report electoral violations on domestic websites like iDitord, Irazek, and Ditaket as well as on the #iditord Twitter channel. A total of 1,107 election day violations were reported on iDitord, including 384 cases of vote-buying or voter intimidation, 151 errors in voter lists, and 175 instances of illegal campaigning.²³

Historically, poverty and political apathy have made the Armenian electorate vulnerable to vote-buying. According to reports by media and political parties, bribes averaging \$30 each were widely handed out in exchange for the commitment to vote for a particular party.²⁴ Most such reports implicated the HHK, BHK, and OEK. Many reports indicated that BHK and OEK also handed out non-monetary bribes or “gifts” in the form of tractors, jars of jam, chocolates, coffee, wine, and fruit juice. Despite widespread reports of such violations and investigations into 279 such reports, the CEC only initiated 15 lawsuits. In one case, BHK member Armen Matevosyan was found guilty of bribing four families with amounts ranging from 10,000 to 35,000 drams (\$25–\$85), and given a conditional sentence of 3 years.²⁵

As a result of the election, 6 out of 9 parties or blocs passed the 7 percent threshold required to enter parliament, compared to 5 out of 23 in 2007. The HHK won an absolute majority, with 69 out of 131 seats.²⁶ Prosperous Armenia received 37 seats. The HAK, which had previously rejected all government institutions, entered the legislature for the first time, with 7 seats. This development briefly raised hopes that BHK leader Gagik Tsarukyan and HAK leader Levon Ter-Petrosyan could act as serious challengers to President Sargsyan’s reelection in the 2013 presidential elections. However, in December, both the BHK and the HAK suddenly announced they would not field presidential candidates, reconfirming the dominance of the HHK and nearly guaranteeing a win for the incumbent.

In accordance with the new electoral code, every fifth candidate on all party lists in May was a woman; however, the target of achieving 20 percent female representation in parliament was not met because all but two winners in 41 local constituencies were men. Several women who did win seats gave up their mandates.²⁷

Civil Society

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
3.50	3.50	3.50	3.50	3.50	3.75	3.75	3.75	3.75	3.75

Armenia’s civil society is vibrant and the number of registered organizations is growing. Between 2011 and 2012, the number of nongovernmental organizations (NGOs) registered in Armenia grew by 8 percent, reaching a total of 4,746, including 3,924 public organizations and 822 foundations.²⁸ However, just over 10 percent of these are believed to be active.

Civil society campaigns launched by established NGOs and citizen initiatives increased in visibility and scope during the year. One of the campaigns that received the most attention began in response to the beating of three army physicians by the guards of Harsnakar, a restaurant owned by leading businessman and ruling party MP Ruben Hayrapetyan. One of the physicians, Vahe Avetyan, died in the hospital from his injuries. Rallies organized by NGOs and widespread media coverage led to the arrest and charging of seven perpetrators. Although Hayrapetyan was not among those charged, he resigned from the parliament and publicly expressed his

regret for the incident. Demonstrations gathering over a thousand people demanded that Hayrapetyan be charged as accessory to the crime because he was ultimately responsible for the actions of his guards while they were on duty and had led them to believe his high connections would protect them from punishment.²⁹

At least 5,000 ethnic Armenians from Syria applied for Armenian passports after the outbreak of violence in their country in spring 2011.³⁰ They were granted Armenian citizenship via an expedited procedure but received little other assistance from the authorities. In response to pressure from NGOs and the media, in 2012 the Armenian government began providing greater assistance to refugees, helping them find jobs, pursue education, and receive compensation for travel costs.³¹ Numerous citizen initiatives continue advocating for Armenia's Syria refugees, including the NGO Coordination Center for Syrian-Armenian Issues, established in October 2012.

As in 2011, many civil society campaigns focused on environmental concerns and urban conservationism. In February, activists from a number of groups launched a campaign to stop the erection of kiosks in Mashtots Park in central Yerevan, arguing that the law prohibits construction in municipal green space.³² Sit-ins and rallies in the park continued for three months. In May, President Sargsyan visited the site and called upon the mayor's office to meet protesters' demands, whereupon the kiosks were removed and the park refurbished. The president's interference in the matter was criticized as a campaign move in preparation for the parliamentary elections. Civil society actors stressed that the decision to protect Mashtots Park should have been based on the law, not the will of one man.³³

A long-running campaign to protect the northwestern region of Teghut from deforestation and other environmental damage associated with mining continued in 2012. However, potential revenues from mining in Teghut are so high that the government has little incentive to heed public protests. The Armenian Copper Company, part of Vallex Group, will begin exploiting the Teghut copper and molybdenum mine in 2013. The mining site includes over 1,500 hectares of forested land.³⁴

Another environmental campaign from 2012 sought to block the expansion of the Amulsar goldmine in southeastern Armenia, which environmental NGOs like Ecolur argued would damage the region's unique natural environment. Citizens of Jermuk, a resort town 12 kilometers away from Amulsar, expressed particular concern at the potential impact of nearby open-pit mining on their mineral springs.³⁵ Public hearings on 30 July at the Ministry of Nature Protection brought together environmental and mining experts with representatives of the mining company (Geoteam), Jermuk municipality, NGOs, media, and neighboring villages, but no understanding was reached.³⁶ In August 2012 the Ministry of Nature Protection issued Geoteam a license, claiming that all environmental concerns had been addressed in the licensing agreement, a fact contested by protesters.³⁷

The year 2012 witnessed a number of crimes and protests apparently motivated by homophobia. In the early morning hours of 8 May, a gay-friendly rock club in central Yerevan was firebombed, causing damages assessed at \$7,500. Two young

Iranian citizens arrested in connection with the crime were reportedly bailed out by representatives of the Dashnaksutyun party, who spoke favorably of the bombing, as did Eduard Sharmazanov, an MP for HHK.³⁸ On 24 May, the U.S. Embassy in Armenia called the attack a crime against sexual minorities and called upon Armenian law enforcement to adopt a zero-tolerance policy towards hate crimes.³⁹

On 21 May, a Cultural Diversity march was held in Yerevan by the Women's Resource Center and PINK, a group supporting lesbian, gay, bisexual, and transgender (LGBT) rights. Some media labeled the event "gay parade in disguise." Although there is no official ban on gay pride parades in Armenia, one has yet to take place there. A group of young men, including from the nationalist youth group Hayazn, staged a counter-protest with posters saying "Keep your kids away" and "Say 'no' to perversions." They attempted to disrupt the march but police intervened in order to prevent clashes between the two groups.⁴⁰ In October, Hayazn also obstructed the screening of *Parada*, a film by Srđan Dragojević about LGBT rights in Serbia. Three screenings, funded by the EU delegation and the German Embassy to Armenia, were announced, but protests from Hayazn led all of the venues to back out due to concerns of mass disorder and potential property damage.

Independent Media

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.25	5.50	5.50	5.75	5.75	6.00	6.00	6.00	6.00	5.75

Print media in Armenia are diverse. The online community is growing rapidly and the internet is becoming an increasingly reliable platform for independent information and opinions. However, television remains by far the most popular medium for news and entertainment, and political bias in broadcast media is heavy. Campaign coverage in 2012 was significantly more balanced than in previous election cycles.

A poll conducted in April revealed that 96 percent of Armenians receive information from television, 30 percent from the internet, and 20 percent from both print press and radio.⁴¹ Over 29 percent of the national audience watches news programs on the country's leading television stations, most of which are strongly influenced by the government.⁴² In September, the television station A1+, which has been denied a broadcasting license since it was banned from the airwaves on political grounds in 2002, reached an agreement with Armnews TV to broadcast a daily 20-minute news show on its frequency.⁴³

Media monitoring organizations reported that Armenian television stations, including the public broadcaster, provided comparatively balanced coverage in the run-up to the May parliamentary elections.⁴⁴ Monitoring reports in April and May by the National Committee for Television and Radio (NCTV)—a body of 8 members appointed alternately by the president and parliament of Armenia—concluded that the election's six leading parties had received nearly equal coverage in major media.⁴⁵ The Yerevan Press Club, a local NGO, reported that the ruling

party received slightly more attention than its competitors, but still assessed 97 percent of election coverage as “neutral.”⁴⁶ NCTV recorded a few violations of campaign coverage rules, fining the BHK-affiliated television station Kentron a million dram (or approximately \$2,500) for airing political advertising for BHK on the eve of the election.⁴⁷ The committee decided against prosecuting Kentron and Yerkir TV for other violations, concluding that they had not affected the overall neutrality of campaign coverage.⁴⁸

Expanding internet penetration in Armenia has been accompanied by a growing number of online television stations.⁴⁹ Traditional media increasingly make use of online social platforms and blogs.⁵⁰ Some regional and local television stations also have channels on YouTube.⁵¹ According to a 2012 poll, 20 percent of Armenians turned to social media for political news in the run-up to the election.⁵² Armenia has over 340,000 active Facebook users, making up 11.5 percent of the population,⁵³ a threefold growth over two years.⁵⁴ The cost of internet access continued to decrease in Armenia due to higher market competition. According to the International Telecommunications Union, the cost of a fixed-broadband internet connection went down by 35 percent in 2011.⁵⁵

Although libel was decriminalized in 2010, some print and online media have faced civil defamation suits that endangered their financial sustainability. In the past, both Reporters Without Borders and Human Rights Watch have singled out defamation suits as the main concern for freedom of speech in Armenia. However, the number of such cases declined in 2012. Ten defamation suits were filed between January and September 2012, down from 25 in the same period in 2011.⁵⁶ A case filed by former president Robert Kocharyan against the newspaper *Hraparak* in 2011 was dropped in February when the paper published a retraction of the statements it had published about Kocharyan.⁵⁷ On 28 June, a court ordered the nationalist organization Mek Azg (one nation) to pay a symbolic fine and publish apologies to the three civic activists it had defamed using Facebook.⁵⁸

Abuse of journalists remains relatively common in Armenia. According to the Committee for Protection of Freedom of Expression, in the first nine months of 2012, there were 4 instances of violence against journalists and 25 instances of intimidation (including lawsuits and fines), compared to 3 and 33 respectively during the same period in 2011.⁵⁹ In one case of intimidation, Hayk Gevorkyan, a reporter for the leading opposition paper *Haykakan Zhamanak*, was detained in February for having allegedly committed a hit-and-run on 13 January. Gevorkyan claimed the case had been fabricated and was retaliation for articles he had written criticizing the police.⁶⁰ After three days in detention, public pressure led to Gevorkyan’s release. The subsequent investigation revealed that the hit-and-run had never taken place and the case was thrown out in July.⁶¹

Government bodies appeared more responsive to freedom of information requests in 2012. On 28 September, the Freedom of Information Center of Armenia (FOICA) awarded prizes to government agencies for having the most informative websites and quickest responses to information requests. For the first time, no single agency was handed the “rusted lock” award for poor performance, which, according

to FOICA, was the result of pressure applied by journalists organizations as well as greater cooperation on the part of the authorities.⁶² In the World Economic Forum's *Global Competitiveness Report 2012–2013*, Armenia's government was ranked 16th out of 144 countries with respect to freedom of information.⁶³

Local Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	5.50	5.50	5.50	5.50	5.50	5.50	5.75	5.75	5.75

Armenia is subdivided into 10 regions and 915 communities. Regional governors administer the regions, while self-government bodies manage the communities. Each community has a representative body called the Council of Aldermen, with 5–15 members, and an executive body led by the community head, who is equivalent to a mayor. Aldermen and community heads are elected via public ballot for three-year terms. Community heads are accountable to the Council of Aldermen, which can approve laws, although implementation procedures are often lacking. While aldermen and community heads are nominally independent, in practice the centrally appointed regional governors have significant political and financial influence over local leaders. Little authority is left to local governance bodies, which often lack transparency, accountability, a clear understanding of the division of powers, and adequate human resources.

Despite constitutional amendments in 2005 that consolidated the independence of local self-governance bodies, no improvements have been visible in practice. The scarcity of local funding is a key concern of the self-governance system, especially in small communities. Because community budgets are funded by local taxes with modest subsidies from the central government, local taxes are too small to enable small communities to implement meaningful projects. Since 2009, the Ministry of Territorial Administration has been making plans to merge communities in order to increase their financial and managerial potential. On 10 November 2011, the government adopted a concept for the enlargement of communities and began planning practical steps for reducing the number of communities to about 200. The project has been on the table for two years and was still under consideration at the end of 2012. A bill to amend the Law on Local Governance was drafted in June based on the Additional Utrecht Protocol to the European Charter of Local Governance. The bill aims to strengthen citizen participation in the management of their communities by allowing them to partake in Council of Aldermen meetings.⁶⁴

Mayoral and alderman elections were the primary focus of local politics in 2012. In February, a close mayoral race in Hrazdan city pitted Aram Danielyan of the HHK against a strong opposition candidate, HAK member and former Hrazdan mayor Sassoon Mikaelyan, a veteran of the Karabakh war who had spent three years in jail following the 2008 postelection unrest. When Mikaelyan received only 47 percent of the vote, his campaign headquarters alleged fraud. However, Mikaelyan did not file an appeal. Observers reported no significant irregularities on

the day of the vote, though some instances of vote-buying were reported by media in the lead-up to the election.⁶⁵

Local elections held throughout the country on 9 and 23 September were more competitive and orderly than in previous years. Voter turnout was high, exceeding 50 percent in most communities.⁶⁶ However, the number of observers was much smaller than at parliamentary elections in May, including only about 1,000 local observers and 20 international observers from the Council of Europe (CoE) Congress of Local and Regional Authorities.⁶⁷ The latter noted that although the elections had met international standards, there had been many reports of vote-buying.⁶⁸

HHK emerged from the 2012 local elections with nearly the same dominant position it holds on the national level. Of the nearly 4,800 candidates who stood in local polls, over 1,440 came from HHK. Of the 644 newly elected mayors, 404 (or 62.7 percent) represent the HHK. Just 55 (8.5 percent) are members of the BHK and 31 (4.8 percent) hail from Dashnaksutyun.⁶⁹ The HAK and Heritage party remained traditionally passive in local elections, fielding fewer than 10 candidates each, a fact noted with regret by the Mission of the CoE Congress of Local and Regional Authorities.⁷⁰ Just 142 (22 percent) of the newly elected mayors are without party affiliation. Some candidates, including many women, retracted their candidacy right before the elections.⁷¹ As a result, elections in about one-third of the communities ended up with just one candidate.

In Armenia's second largest city, Gyumri, the HHK decided against supporting the incumbent mayor, HHK member Vardan Ghukasyan, reportedly due to his ties to criminal circles.⁷² Ghukasyan left the HHK and did not run in the election. In the absence of a strong candidate from its own party, the HHK put its support behind BHK member Samvel Balasanyan, who eventually won.⁷³ In late August, Ghukasyan's son was involved in a shootout, allegedly while trying to interfere with Balasanyan's campaign.⁷⁴

Provincial governor posts are distributed among the ruling coalition based on quotas. When BHK exited the ruling coalition, the governors of Vayots Dzor and Gehgarkunik provinces representing the BHK were dismissed and replaced with HHK members Edgar Ghazaryan, the dean of the Faculty of Management at the State University of Economics, and Rafik Grigoryan, the head of the Parliamentary Commission for Local Self-Governance.

Judicial Framework and Independence

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.00	5.25	5.00	5.00	5.25	5.50	5.50	5.50	5.50	5.50

Attempts at judicial reform since 2007 have not succeeded in reducing the dependence of the prosecutor's office and court system on the executive branch. Human rights organizations regularly report abuses of power, corruption, and politically motivated actions by prosecuting bodies and courts. In August 2012,

media reported that the National Security Service (NSS) was investigating claims that judges, including one member of the Court of Appeals, had accepted bribes.⁷⁵ In 2012, the rate of acquittal in Armenian criminal courts was just 1.6 percent.⁷⁶ Public trust in the court system in 2012 was 16 percent.⁷⁷

A number of investigations and court decisions during the year were suggestive of manipulation by political authorities. In July, four opposition activists arrested in 2011 for fighting with police were given prison sentences ranging from two to six years each. The HAK, Heritage, and a number of public activists condemned the sentences as disproportionate and organized public demonstrations in protest, without result.⁷⁸

In late May, the NSS launched a money-laundering investigation against the Civilitas Foundation, a Yerevan-based nonprofit founded by onetime foreign minister Vartan Oskanian. In 2012, Oskanian left the board of Civilitas to serve in the parliament as a member of BHK. At the time of the investigation, he was widely expected to run for president in 2013. On 23 July, a first instance court rejected Civilitas's attempt to appeal the launch of the investigation. In response to a request from the Prosecutor's Office, the Armenian parliament voted in October to strip Oskanian of his parliamentary immunity, allowing law enforcement authorities to formally charge him with fraud.⁷⁹ Oskanian is accused of misappropriating some \$1.4 million donated to Civilitas by an American philanthropist. The donor, however, has not presented any claims to Oskanian or Civilitas. The case was ongoing at year's end.

Armenia's judicial bodies are frequently criticized for turning a blind eye to human rights abuses by law enforcement authorities. In May 2012, the United Nations (UN) Committee against Torture (CAT) considered the Armenian government's third periodic report on compliance of state legislation and policies with the UN Convention against Torture. A number of civil society organizations, including the International Federation for Human Rights (FIDH) and its member organization in Armenia, Civil Society Institute (CSI), submitted alternative reports documenting regular abuses.⁸⁰ In its concluding statement, the CAT expressed serious concern over routine use of torture and ill-treatment of suspects in police custody, especially to extract confessions. It also pointed out the absence or inadequacy of key legal protections for detainees, including access to a lawyer, the right to notify relatives, and the right to a speedy trial.⁸¹

When Justice Minister Hrayr Tovmasyan was appointed in 2011, he announced plans for a large-scale reform of the justice system, focusing on efficiency, impartiality, and transparency. In July 2012, a strategic program of legal and judicial reforms for the 2012–16 period was approved by President Sargsyan.⁸² Planned reforms will include changes to the criminal code, decriminalizing some activities and reducing sentences for others; the introduction of a probation system; clearer division of power between various parts of the system; reduced trial lengths; and ensured access to defense attorneys and legal aid. There are also plans to digitalize many services and concentrate them in one agency. As an indicator of the efficiency of the reform, public trust in the justice system will be measured twice every year.⁸³ By December

2012, the following components of the reform had been launched: a new system for training and appointing judges; training for probation officers; the drafting of a new Criminal Code and a new law on the prosecution service; research into the causes for slow trials; and the drafting of amendments to the Administrative Procedure Code. Both the ombudsman and the European Commission have voiced support for the planned reforms.⁸⁴

Although the prison population of Armenia is small, penitentiaries are overcrowded and a number of inmates have died as a result of poor prison conditions.⁸⁵ A new facility is being built in Armavir city and due to open in 2013.⁸⁶ In September, some of the staff of Vardashen and Nubarashen prisons were fired or disciplined for poorly fulfilling of their duties.⁸⁷

Corruption

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.75	5.75	5.75	5.75	5.75	5.50	5.50	5.50	5.25	5.25

Corruption remains a major concern in Armenian society. Anticorruption measures adopted by the government in 2011 and 2012 have led to improvements in some areas but no breakthrough was visible in 2012. Measurable corruption levels are declining at a slow pace. In a 2012 survey by the World Economic Forum, corruption was named by 16.9 percent of respondents as the most problematic factor affecting business,⁸⁸ down from 19.9 percent in 2011.⁸⁹ According to the CRRC Caucasus Barometer, 6 percent of households reported paying a bribe in 2012, unchanged from 2011.⁹⁰ Among respondents who consider corruption a normal practice, 29 percent reported having paid bribes, but even among those who consider bribery unacceptable, 5 percent still said they had paid a bribe in 2011. These figures show that corruption opportunities are numerous and in some cases bribing is the only way to get things done.

The main anticorruption institutions of the Armenian government are the Anti-Corruption Council, headed by the prime minister, and the Anti-Corruption Strategy Monitoring Commission. The body responsible for monitoring finances of government institutions is the Chamber of Control (CoC), whose members are appointed by the Parliament. In its 2011 annual report (released in March 2012), the CoC described gross violations in state procurement due to inefficient, nontransparent, and discriminatory bidding procedures. The CoC report also documented large-scale misuse of funds by the Forestry Unit affiliated with the Ministry for Agriculture.⁹¹ On 29 September, a CoC investigation led to the arrest of the former head of the State Social Security Service, Vazgen Khachikyan, who allegedly embezzled over \$600,000 using a complicated scheme involving thousands of false beneficiaries. By year's end, another 42 individuals had been charged in connection with the case and 10 of them had been arrested, including the head of the Department of Pensions, Ashot Abrahamyan, and the former head of the Service of Social Payments, Hovhannes Grigoryan. In its 2012 Annual Report,

the CoC revealed numerous violations of protocol related to government spending in fields ranging from urban development and road construction to educational projects.⁹²

The total number of corruption cases brought against public officials decreased to 465 in the period between January and November 2012, compared to 566 during the same period in 2011.⁹³ Public officials arrested on corruption charges in 2012 included the vice-governor of Kotayk province, Levon Mikaelyan, who was apprehended for accepting a bribe of \$100. A subsequent investigation revealed that Mikaelyan had accepted bribes on previous occasions.⁹⁴ On 9 September, the head of the consular department of the Ministry for Foreign Affairs (MFA), Hakob Hadji-Hakobyan, was detained on charges of soliciting bribes from Armenian citizens abroad in exchange for quickly processing their applications for travel documents.⁹⁵ Other MFA officials were reportedly detained later in connection with the case.⁹⁶ In October, a senior executive from the mayor's office in Vanadzor was arrested for accepting a bribe of \$1,100, which an investigation revealed was not his first.⁹⁷

A high-profile case from 2011 concluded in May 2012, when a Yerevan court sentenced former Road Police Chief Margar Ohanyan to six years in prison for large-scale embezzlement. Ohanyan and three others were charged with conspiring to siphon off gasoline for personal gain.⁹⁸

Lax oversight of goods procurement in the Armenian military also made headlines in 2012 when it was discovered that frozen buffalo meat imported from India was being served to soldiers in lieu of the locally supplied, fresh beef for which the defense budget pays. The ensuing investigation led to the arrest of Albert Ohanjanyan, the director of the meat factory responsible for the fraud, and the dismissal of the deputy head of the Army General Staff, Arshaluys Paytyan. Several army personnel, including Paytyan, were interrogated in connection with the scandal, but none had been arrested at year's end.⁹⁹ Ohanjanyan has been charged with fraud and misappropriation. Ohanjanyan has made threats to "tell the whole truth" if he is forced to testify.¹⁰⁰

Beginning in 2011, steps were taken to create a new legal framework that would reduce opportunities for corruption by minimizing exchanges between citizens and bureaucrats. The State Cadastre of Land and Real Estate was fully reformed in accordance with these priorities in 2012. Since January 2012, client requests have been processed by service offices, ruling out all contact with territorial divisions of the cadastre. A new information technology system was put in place at the cadaster level, and real estate assessment was outsourced to licensed private contractors, further reducing contact between officials and customers.¹⁰¹ A similar strategy was adopted in the vehicle insurance sector.¹⁰² Insurance companies must now conclude and file all contracts in digital format, a timely measure since 70 percent of the complaints filed to the finance ombudsman in the first half of 2012 were against insurance companies.¹⁰³ A new law on income tax adopted in 2012 comes into force in January 2013, requiring that all tax reports be submitted in digital format and reducing the complexity of the tax system, which has previously been abused by tax officials. The efficiency of these and other measures remains to be seen.

Antimonopoly fines increased in 2012. The State Commission for Protection of Economic Competition fined the Catherine Group, a fertilizer import company, approximately \$26,000 for allegedly abusing its position in the market by raising prices.¹⁰⁴ Armenia's largest network of pharmacies, Natalie Pharm, was fined about \$130,000 in June for predatory pricing.¹⁰⁵ However, most of Armenia's largest commodity-based monopolies remain immune to fines. Some markets, especially food, are heavily monopolized, sometimes by just one importer.

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