

ANALYTICAL REPORT

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Political Situation in the Republic of Armenia

The act of terrorism of 27 October 1999 in the RA National Assembly has inevitably entailed serious consequences in all the spheres of Armenian life, in political one. So, the inside political area has undergone great political changes resulting in speedy redistribution of political power in the RA National Assembly. The fermentation of the RA political parties and consequent purification of their membership have become quite ordinary phenomena.

The factions which broke away from regular political parties or movement have formed new political groups striving to make inter – Party alliances.

According to the RA Ministry of Justice as many as 103 political parties and movements have been registered by the moment.

I. Disposition of Political Forces in the Republic of Armenia

1.1. Pro-government Coalition

Before the events of 27 October 1999 happened the Unity bloc of the Republican Party of Armenia (RPA) and the People's Party of Armenia (PPA) had been the support of ruling authorities in the Parliament, but, in fact, this bloc has disintegrated by now since both parties began losing their members.

At present the executive authorities at the head of the RA President are supported in the Parliament by the RPA and the coalition of PPA former members who have initiated a new political movement under the leadership of the vice –speaker of Parliament.

At the 6th Congress of RPA its leader, who is also the actual RA Prime Minister, presented the following information in his report: of 8,000 RPA members over 3,500 members have a direct relation to the ruling authorities, namely, they are either in office in the RA Government or are high-ranking government or municipal officials.

The Armenian Revolutionary Party of Dashnaktzootiun (ARPD) is likely to adhere to the ambiguous political position supporting the RA President's policy openly, on the one hand and criticizing a lot of official political actions of home and foreign policy, on the other hand. However, the ARPD used to agree with the RA President in general.

The Ramkavarh Azatakan Party always stands in ruling authorities and traditionally supports the RA President whoever he may be at the moment.

The above political parties and movements appear to be the major ones to be relied on by the RA President in his political struggle.

In the course of events the pro-government bloc of political parties and movements may be joined by smaller ones striving to have seats in Parliament due to administrative resource of power as a result of elections to Parliament.

1.2. “Though” Coalition of Opposition

The bloc of opposition is formed by the depleted PPA, some members of RPA united in “the Republic”, a new party, and the party of National Unity with the leader whose rating is rather high in Armenian society.

According to political scientists the above political parties cannot deep together in a bloc of the left for a long time as their leaders are too ambitious to back up their cooperation.

1.2.1. “Shadow” Opposition

After the domestic and foreign policy of the Armenian National Movement (ANM), the former ruling party had completely failed some of its leaders stopped their membership in that party and formed other pygmean political parties, such as “Liberty”, “Norh Uzh”(New Force), “XXI Century”, “Armat”, ”Democratic Motherland”, “Shamirham” and the Liberal and Democratic Party.

At present the above parties and governments would like to join the uncompromising opposition but the latter is not going to admit them under its banner because Armenian people keep on expressing their extremely negative attitude towards the ANM and its leaders.

The policy of ruling authorities is severely criticized by the ANM together with its pygmean political parties, but the desire to come to power has not been openly expressed by the ANM.

1.2.2. The National Democratic Union (NDU) which was formed of those members of the ANM who had broken away from it ever since the early times of independence of the Republic of Armenia is undergoing great changes now.

Some leading members of the NDU have raised the issue of distrusting their permanent leader and his policy.

As to its political views the NDU used to lake a position of constructive opposition whereas the leader of the NDU fraction in the RA National Assembly called for the change of the NDU leaders as well as for the change of its policy to make the NDU more closely connected with the ruling authorities.

As a matter of fact, the NDU leaders are fighting between each other for possession of the NDU label.

In their attempts to win the NDU members over both oppositional groups often do not disdain to resort to indecent methods of winning the NDU members over to their sides.

1.2.3. The Communist Party of Armenia (CPA) has shown some activity taking rather populist steps to attract the public since its former traditional leaders were changed and some part of electorate was lost.

Oppositional parties and movements showed their activity holding a number of meetings against some certain actions of the RA Government in economic and social areas of life.

In Armenia there are no political, social or economic programmes or concept to underlie the development of political parties or movements. On the contrary, some charismatic individuals appeared to be capable to form different parties together with their people for their own pragmatic interests which proved to be the factor of political formation and disposition.

After the events of 27 October 1999 there was a short-lasting period of political consolidation of political forces in the RA National Assembly and in the RA Government under the following slogan: “We all are responsible to our people”. It was confirmed by the representation of major political forces of the RA National Assembly in government agencies to ensure the ruling authorities with general loyalty in Parliament.

However, personal interests prevailed over constructive appeal very soon, and the political elite began fighting for their position in power.

The fermentation of political forces is the fight of some individuals or groups for the leading positions within political parties or movements, on the one hand, and for the post of the RA President at the Presidential election in the year of 2003 or for the seats in Parliament at the forthcoming elections to the RA National Assembly.

None of political parts of social and political life of Armenian society may justify its aims and objectives by conventional methods and ways of methodology or technologies of political struggle.

Political struggle is turned into the search of ways and opportunities to join to the ruling authorities in their personal or factional interests to achieve their own aims at the expense of national administrative, financial or economic resources, but not to change foreign and domestic policy for the sake of Armenian people.

For the past ten years the lack of responsibility of high-ranking officials to the members of Armenian society for their incompetent (or, very often, even criminal) political practice, on the one hand has been encouraging the political elite to strive for positions among ruling au-

thorities to obtain the right for arbitrariness and impunity, and has been causing the total indifference of people and the lack of trust in their future.

As a result the migration of Armenians from Armenia has unprecedentedly speeded up.

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

The fundamental provisions of the Universal Declaration of Human Rights are included in Chapter 2 of the Constitution of the Republic of Armenia.

It should be noted that all the actual RA legislative acts regulating civil political, social and economic spheres of life in Armenian society refer to the respective articles of the RA Constitution or those international rules of law which have been adopted by the Republic of Armenia.

However, after whatever legislative provision had been proclaimed for protection of fundamental rights and freedoms it proved to be an improper guarantee for a certain individual to enforce his/her inalienable rights.

In practice a very small group of Armenian people (only 10%-15% of the total population) may enjoy their rights to protection and enforcement of their legal rights and freedoms being the members of clannish and nepotic corporative system of power or being ensured with the patronage of this system for some remuneration.

The overwhelming majority of Armenian people (80%-85% of the total population) try to keep away from the authorities, and in case of emergency they apply to human rights NGOs for defense of their rights.

Since most of human rights NGOs are located in the city of Yerevan, the capital of the Republic of Armenia, the protection of their rights and freedoms proves to be an insoluble problem for the two thirds of population residing in rural areas or small urban localities.

In rural areas and small towns the executive authorities and , especially, law-enforcement authorities have the absolute power as there is no governmental, legislative or social control there whereas some kind of control takes place in the city of Yerevan.

Most of ordinary people (in particular, in the RA regions) are concerned about the mere problem of their permanent fear of local authorities' response to their actions, whatever they may be, as even unpremeditated infringements upon personal interests of authorities or their adherents may, in most cases, cause unforeseen consequences for ordinary people.

The continuous migration of Armenian people from Armenia has entailed such phenomena in Armenian society as the reduction of civic-mindedness, diffidence, dissociation, disorganization and obsessive concentration on satisfaction of everyday need to survive.

In the regions the people's state of mind may be characterized as a deep depression when people do not consider themselves to be capable to do anything adapting to everything which is done by authorities. People cannot believe in themselves, in their strength, in their ideas and in their abilities to change anything in their lives.

So, people prefer to take every chance to leave Armenia for other countries.

According to independent experts the lack of law protection appears to be one of the main reasons for migration of Armenians from 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***

The polarization of Armenian society has been lasting for already ten years.

Law is used by any ruling authorities (irrespective of the clan and nepotic corporative faction being in power) to support their stability even to the detriment of interests of the overwhelming majority of Armenian people.

As a rule, the system of legal and procedural regulation functions selectively being mostly used to protect mercantile interests of governmental and political elite.

Law seems to be much more favorable to executive, legislative and judicial authorities than to average people.

But the lowest ranks of policemen are helpless before some criminal groups enjoying potent support of echelon (that is such high-ranking authorities as Deputies to the RA National Assembly, members of the RA Government, outstanding political figures, and others).

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

The moratorium on the execution of death sentences continues to be in force.

However, the political elite has divided into the two opposite camps since the shootings of the members of the RA Government and Parliament in the building of the National Assembly on 27 October 1999.

Thus, in connection with legal proceedings of the criminal case in question the uncompromising opposition together with some military and law-enforcement authorities and NGOs calls for reversal of this moratorium and employment of the death penalty towards the executors of that act of terrorism.

The murders on political grounds have not been reported.

Several ordered killings of officials took place, but those killings were interpreted as the murders due to the professional activity of the

victims.

Besides, one individual was severely beaten and then died. That unprecedented act of violence was explained as the ill-treatment on the part of the RA President's security.

But it also should be noted that the mortal cases were reported in respect to some individuals who had been previously put to special ill-treatment by investigative bodies.

The detainees have been put to tortures and ill-treatment at the police stations and investigation isolated cells so far.

3. *The right to liberty and security*

Since the ruling bodies are formed on corporative grounds using their political principles for the public to serve as a background for their activities the struggle between clans would entail the infringements of the right to liberty and security of the members of another clan by the ruling clan. So, the above infringements are interpreted by the opposition as the cases of detention infringing legal and procedural standards on political grounds.

The actions of the police (especially, the military police) towards ordinary people may be mostly characterized as the infringements of people's right to liberty and security.

The infringements of the right to liberty and security are often used by the low/middle ranking police, including the military police, as the way of getting some "extra income".

However, such kind of infringements are unlikely to be proved as the victims are usually afraid of authorities who may take their revenge upon them.

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

This right is often violated everywhere by the police and investigative officers of low and middle ranks due to their poor competency to ensure themselves with some kind of good results to be reported for their work.

It should also be noted that judicial bodies may dismiss the claims of victims on the legal grounds of the lack of necessary forensic conclusion which is not provide by victims due to their legal incompetency.

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

This right is proclaimed in a declarative way, but in practice the counselor service is too expensive and free counselor service which is offered by law-enforcement authorities seems to be unworthy of trust for citizens.

As a rule, this right is not observed by the military police.

Making a search for the conscript the military police often may take his relatives as hostages. Sometimes, the members of defendant's family may be taken into custody by investigative bodies for some time to obtain necessary testimony. The same may happen to witnesses. Such kind of practice appears to be quite usual for rural areas.

According to unofficial sources the mail and other means of communication are also controlled by some government bodies.

6. ***The right not to be subjected to arbitrary interference with his home*** This right is violated if some residence may impede the interests of authorities; it especially applies to refugees' residences.
7. ***The right to freedom of movement and residence*** Actually, this right is not violated within the Republic of Armenia.
8. ***The right to freedom of thought, conscience and religion*** This right is provided by the RA legislation being included in the following Ra Laws: On NGOs; On Non-Governmental and Political Organizations and Movements; On Freedom of Conscience and Religion, and others.
- There is only one religious organization which has not been registered by the RA Ministry of Justice. In is Jehovah's Witnesses.
- Some of its young members are convicted for the infringements of the RA Law on Military Service.
- Since there is no institute of alternative service it is impossible to evade military service on religions grounds.
- The new version of the RA Draft Law on NGOs is being prepared by the RA Ministry of Justice to stipulate stricter state control over NGOs.
9. ***The right to freedom of speech*** The right to freedom of speech has been observed so far, but there are no independent mass media in the Republic of Armenia.
- Mass media are engaged by different political movements or parties, that is by clan and nepotic corporative groups.
- Independent mass media cannot suit either ruling authorities or opposition.
- Independent mass media used to be liquidated for the reason of some infringements of administrative or economic regulations.
- For instance, the Information Agency "Noahyan Tapan" was deprived of its air time on television for the lack of vacant frequency range, but Armenian journalists consider the independent programme of the Fifth Microphone to be the true reason.
10. ***The right to association with other people*** This right is generally observed.
11. ***The right to freedom of peaceful assembly, meetings, processions and demonstrations*** This right is generally observed.
12. ***The right to take part in the government of his country*** The Republic of Armenia is governed by some factions which possess about 80%-85% of administrative and material resources of our country.
- The elections as "the expression of people's will" are "arranged" by political and economic elite of the regions at the expense of their administrative resource. The law-enforcement authorities take rather an active part in this process.
- Both ordinary people and their non-governmental formations are

debarred from law-making process.

The struggle of political opposition comes, as a rule, to severe criticism of the RA Government's actions, but their criticism is rather of declarative nature than constructive one.

Some time ago those criticizing people themselves took part in making governmental decisions or actively supported them, but now they are making protests against similar decisions for the sake of their personal interests.

In the course of political struggle different dirty technologies are used.

Most of Armenian people appear to be non-political citizens keeping away from political struggle.

Armenian society is still moving away from the authorities.

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

This right is observed only in a declarative way.

The lack of labor market caused the growing migration of able-bodied population from Armenia.

14. ***The right to own property and succession***

This right is generally observed.

15. ***The right to adequate standard of living, including housing***

According to the standard of living 60% of Armenian people have to live beneath the extreme poverty and 25% of them even beneath the abject poverty.

Most of Armenian people live of on the money of private transfers from relatives or members of their families who left for abroad for earnings.

16. ***The right to social security in the event of old age, disability, sickness, widowhood and unemployment***

This right is of declarative nature.

All the system of social security appears to be vicious and immoral.

The minimum pension makes up about US \$5.00 and the average one – US \$9.00.

Together with that:

- **the charge for 100 kWh is US \$5.00;**
- **monthly telephone charge is US \$ 2.00;**
- **the average price for 1 kg of bread is US \$0.25;**
- **monthly charge for water supply is US \$ 0.50.**

17. ***The right to medical care***

There is no clear governmental policy in respect to Health Care and Medical Service.

The institute of “state order” for rendering free medical assistance to indigent people is actually incapable.

The personnel of medical institutions have not been paid their wages for 4 to 13 months.

The quality of medical assistance directly depends on the amount of money to be paid to medical personnel by patients themselves.

18. *The right to education*

Each one of two 1st class pupils cannot go to school because their parents have no money to provide their children with everything necessary.

About 35%-45% of 1st class pupils cannot proceed with their education up to finishing the general education school.

In 1986 the number of 1st class pupils made up 71,130 children, and 10 years later in 1996 the school was finished by 37,476 children.

According to the statistics every year general education schools are left by 6% of the total number of pupils.

In the villages these things are even worse. The young people in the country cannot afford higher education through extremely high costs of training and living, though the right to education is violated only through its expensiveness.

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

This right may be observed on condition that judicial system is independent.

Since the judicature depends on the executive power this right has a declarative nature. Besides, the advocacy institute has not been developed to the extent of playing an important role both in respect to the number of competent experts and to their efficiency.

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

There is no independent and impartial court in Armenia. Any court follows the instructions of prosecutors.

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

This right is observed only in respect to minors.

Actually, prosecutors, like the law-enforcement system as a whole, are not interested in having the advocacy institute. They do their best to impede the access of counselors to their clients.

The licensed lawyers of the Association of Lawyers should be paid for their services so much, that indigent people cannot afford hiring them.

The indigent people are rendered free legal and counselor assistance by some NGOs.

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

This right is not observed in practice.

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

As a rule, this right is violated by law-enforcement bodies, prosecutors, military police and other investigation agencies.

A defendant and witnesses are usually informed on this right after the judicial papers have been drawn up, and it is impossible to change anything.

Though, defendants and witnesses use to reject their evidence the case may not be subjected to new proceedings on this ground.

Judges use to urge the defendants to give proofs to the violations of law during the interrogations. These violations are not capable of proof as tortures, beatings and other breaches of law are carried out in

the absence of possible witnesses.

The A.D. Sakharov Armenian Human Rights Centre (The Republican Center for Democracy) 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 assistance from 1 September 2000 to 30 September 2001.

A handwritten signature in black ink, appearing to read 'Levon Nersisyan' in a cursive style.

Levon Nersisyan

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