

The Office of the Human Rights Defender of the Republic of Armenia

United Nations Convention on the Elimination of All Forms of Discrimination against Women

Part I

Article 1: Discrimination

Article 2: Policy Measures

Even though Armenian legislation prohibits all kinds of discrimination, however we should note that every day women face it in different forms. During recent years the most common form of discrimination against women was violence (especially domestic violence).

According to the information provided by the Police of the Republic of Armenia in 2015 there have been registered 784 cases of domestic violence, however in 634 of these cases criminal case has not been opened.

Analysis of the number of cases and number of criminal proceedings regarding these cases proves that not in all cases it was possible to describe the act of a crime as stipulated by the Criminal Code of the Republic of Armenia and hence properly investigate allegations of domestic violence. Considering particularities of domestic violence in some cases (such as abuse of the material dependence, periodic threats, one slap etc.) investigative services were not able to describe a specific act as a crime because of its absence in the Criminal Code. Due to this issue the Police or other state body does not have a clear and accurate data on domestic violence cases. In this regard, it should be noted that the lack of official statistics makes it difficult to effectively combat against domestic violence.

Even though the registered cases of domestic violence mentioned above are lower than the ones registered in 2014 (678 cases), however according to local NGO's, the number of cases of domestic violence has increased.

As it is mentioned in the information published by the "Coalition to Stop Violence against Women"¹ yearly Armenia has 2000 cases of domestic violence. Moreover, from 2013 till 2015 three NGO's have received 5171 primary calls to their hotlines reporting domestic violence and during the same period they have recorded 30 cases of death because of domestic violence².

There is no adequate protection and redress for victims of domestic violence provided by the State authorities. Definition of domestic violence has been given in the law on Social Support (Article 2) which was adopted in 2014, where the State has a responsibility to provide shelters for victims of domestic violence for up to 12 months (Article 12). According to the same law (Article 12), procedures of providing shelters and conditions established by the Government of Armenia. Up to 1st October 2016 no state funded shelters have been operated.

There is a focal point on women's issues within the Staff of the Human Rights Defender (Ombudsman) of the Republic of Armenia who co-operates with all the structural subdivisions of the Staff taking into consideration the peculiarity of each complaint and alarm.

In 2015, more than 30 complaints and calls were received on domestic violence, vast majority of which were anonymous. On the basis of the reports, the women were provided with

¹ <http://coalitionagainstviolence.org/hy/%D5%A3%D5%AC%D5%AD%D5%A1%D5%BE%D5%B8%D6%80/#>

² <http://bit.ly/1Mr1xVZ>

advice. The focal point on Women's Issues cooperates with NGO's who provide victims of domestic violence with shelters, in order to direct them to the NGO's in cases when the mandate of the Ombudsman does not allow interference with private relations. Cooperation is established also with public authorities (mainly Investigative Committee, Police and Guardianship/Trusteeship Commissions of the Republic of Armenia) in order to ensure necessary protection for the victims and effective investigation of cases referred to the authorities.

It should be noted that many women feel safer to refer their cases to the NGO's rather than police or other state authorities. As a result such cases are underreported. Women often mention that because of shame as well as lack of trust towards police and absence of protection possibilities provided by state bodies they prefer not to report cases. All this is a result of absence of legislation and victim protection mechanisms.

In the framework of prevention of domestic violence Human Rights Defender of the Republic of Armenia cooperates with the Council of Europe. Within the project between the Council of Europe and the Office of the Human Rights Defender of the Republic of Armenia a research related to the prevention of the violence against women and domestic violence should be implemented. It is worth mentioning that the above mentioned research will also examine the compliance of the provisions of the Istanbul Protocol with national legislation and will contribute the adoption of the law on prevention of domestic violence.

Women who have been exposed to domestic violence face several issues in the judiciary, in particular, some judges and prosecutors, being not aware of the specialties of the case and have stereotypical thinking may harm the victim again by their incompetent questions. There have been some complaints that the victims of domestic violence often face biased attitude from judges (particularly in regions).

The practice of terminating a pregnancy based upon the predicted sex of the infant (selective abortion) of female foetuses is also a display of discrimination against women.

The deviation of the normal ratio of males to females in Armenia was indicated starting from the 1991, and in 2000 it reached to 120 boys to 100 girls, when the norm should be 102-103 boys to 100 girls. Furthermore, this intention is more remarkably expressed during the second and the third pregnancy; the figures soar to 160 and 100 boys and girls, respectively. The main preconditions of the latter are "son preference": a custom rooted in Armenia, which explains the 'continuity of the male line' as a matter of precise importance and prevalence, as well as the birth rate decrease, as a result of which it is found difficult to form a family in Armenia, and the willingness to get pregnant again (the second pregnancy) is frequently associated with the desire to have a son.³

Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms

Article 4: Special Measures

Article 5: Sex Role Stereotyping and Prejudice

Article 6: Prostitution

³ [http://unfpa.am/sites/default/files/Sex Imbalance report Arm final-with%20cover-final.pdf](http://unfpa.am/sites/default/files/Sex%20Imbalance%20report%20Arm%20final-with%20cover-final.pdf)

Part II

Article 7: Political and Public Life

Regarding women's participation in the formulation of government policy and the implementation thereof the opportunity to hold public office and perform all public functions at all levels of government and to participate in non-governmental organizations and associations concerned with the public and political life of the country it should be noted that women are very rarely involved in the top management or high ranked positions, which derives both from stereotypes and public acceptance of it and from lack of political will. As of September 1st 2016 among 19 ministries in Armenia only 3 were women ministers⁴, from 79 deputy ministers only 4 women, and from 7 adjunct bodies to the Government none has a women chief (head of the adjunct body)⁵ and there are also no women deputies in these bodies. Moreover, the number of women represented in the national Assembly of Armenia (women MP's) is 10.7 percent, 14 percent among civil servants occupying the highest positions, and 22 percent in judicial system.

As for the local authorities it should be mentioned that among 866 rural communities only 17 has women mayors, and there are no women mayors among the 49 municipal communities⁶: According to the information provided by the Minister of Territorial Administration the number of male representatives is a couple of times higher in the village and town/city community Councils. For example in the Lori region Community council there are 4 female and 88 male representatives, in Gegharkunik region – 45 female and 501 representatives, in Shirak region – 68 female and 559 male representatives, Syunik region – 8 female and 71 male, and in Armavir region there are no female representatives.

Among 10 regions (marzes) of Armenia none has a female governor⁷ and among 24 deputy governors only 2 are women.⁸ These figures are in a situation where women make about 51.9 percent of the total population⁹ Armenia.

Article 8: Representation

Article 9: Nationality

⁴ <http://gov.am/am/structure/>

⁵ <http://gov.am/am/adjunct-bodies/>

⁶ “Annual report of Human Rights Defender of the Republic of Armenia on the Ombudsman office activities, state of human rights and freedoms protection in 2014”

⁷ <http://gov.am/am/regions/>

⁸ Idem

⁹ <http://armstat.am/>

Part III

Article 10: Education

Article 11: Employment

Even though the Armenian legislation provides the principal of equal pay for equal work by prohibiting the gender-based dispersion in the labor and employment sector, but, in fact, there are both vertically (not equal access to career levels) and horizontal (by professions and sectors) discrimination against women. As a result, women's monthly average income is 59% of men's monthly average income, while the average of their monthly salary is the 64.4% of men's monthly average salary.

One of the issues women face in labor is not only access to employment but also employment discrimination, when they often depends on the employer preferences (for example, good-looking, young age, marital status, etc.) regardless their high education and qualification.

Short-term contracts are signed without legal basis with women mostly; they are more often employed part time, they are first in the firing, mostly without cause.

There have been some cases registered by NGOs related to the issue and concerning the limitations to exercise the rights provided by the law for the prenatal and postnatal period of child care as well as for the leave for child care.

In particular, there have been cases when instead of employment contract a service delivery agreement was signed with women, and as a result they were deprived from the right to preserve their workplace in prenatal and postnatal period of child care as well as the right to receive temporary disability allowance.

Article 12: Health

Discrimination against women in the field of health care is a big challenge and can still be noticed in Armenia. Although everyone has an equal right by law to receive medical care and services. However, in some cases, in medical institutions, women face discrimination by doctors (for example, in one of the recorded cases, doctors have not recommended to a HIV-infected pregnant woman to have a baby) which leads to the fact that women are reluctant to complain about their problem. These approaches are conditioned by still remaining negative stereotypical perceptions in society about HIV-AIDS. As a result, right to receive confidential healthcare is violated.

Article 13: Economic and Social Benefits

Article 14: Rural Women

Part IV

Article 15: Law

Article 16: Marriage and Family Life