

ARMENIA NON GOVERNMENT ORGANIZATIONS' SHADOW REPORT TO CEDAW

ON THE 5TH AND 6TH PERIODIC REPORTS SUBMITTED BY STATE PARTIES ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Submitted by the CEDAW Task Force Armenia which includes group of NGOs:

Democracy Today NGO

Disability Info NGO

Sinjar Yezidi National Union

Center for Gender and Leadership Studies

Coalition to Stop Violence Against Women with support from the Advocates for Human Rights, a non-governmental organization in special consultative status with ECOSOC. The members of the Coalition are the following NGOs:

Women's Support Center NGO

Women's Rights Center NGO

Women's Resource Center NGO

Sexual Assault Crisis Center NGO

Real World, Real People NGO

Public Information and Need of Knowledge NGO

Society Without Violence NGO

Yerevan 2016

Table of Contents

ARMENIA NON GOVERNMENT ORGANIZATIONS' SHADOW REPORT TO CEDAW	1
ABBREVIATIONS.....	3
INTRODUCTION	4
Article 1. Discrimination	4
Article 2. Policy Measures	7
Article 3. Guarantee of Basic Human Rights and Fundamental Freedoms	12
Vulnerable groups of women.....	14
Persons with disabilities	14
Ethnic Minorities.....	17
Article 5. Sex Role Stereotyping and Prejudice	19
Awareness-raising and educational programs.....	19
Media sphere.....	21
Domestic Violence	22
Legislation.....	22
Protection of victims of domestic violence.....	23
Judicial stereotypes	23
Lack of statistical data and underreporting	24
Provision of services for victims of domestic violence.....	24
Lesbian and transgender women.....	25
Article 6. Prostitution	30
Trafficking in human beings.....	31
Article 7. Political and Public Life	32
Article 10. Education	33
Article 11. Employment	36
Article 12. Health	37
Sex Selective Abortion	37
HIV/AIDS.....	38
Article 14. Rural Women.....	38
Healthcare	39
Domestic violence	39
Vulnerable groups.....	40
Workforce and economy	40
Article 15. Law	41
Article 16. Marriage and Family Life	43
ANNEX 1. CASES.....	46
ANNEX 2.	50

ABBREVIATIONS

CRDP	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
DPO	Disabled People’s Organization
GBV	Gender Based Violence
IMPJ	Integrated Model of Participatory Journalism in the public sector of information
IOs	International Organizations
LGBT	Lesbian Gay Bisexual Transgender
MoJ	Ministry of Justice
MP	Member of Parliament
PLWHIV	People Living with HIV
RA	Republic of Armenia
SCR 1325	Security Council Resolution 1325
SOGI	Sexual Orientation and Gender Identity
THB	Trafficking in Human Beings
WWD	Women with Disability
YSU	Yerevan State Universities

INTRODUCTION

This Shadow report has been jointly developed by a number of women's and human rights organizations and experts working in the related area in response to the republic of Armenia fifth and sixth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) due in 2013.

Article 1. Discrimination

In point 13 of the Concluding observations¹ “[t]he Committee urges the State party to enact appropriate national legislation containing prohibition of discrimination against women in line with article 1 and article 2 [of the Convention..]” .

Albeit in para 3 and 5 of the State Party report, the Government mentioned existence of dozens of domestic and international legal acts prohibiting discrimination and despite 2015 Constitutional amendments there is still no legal act in Armenia defining discrimination at a large.

The absence of a stand-alone law on discrimination is an essential issue. The draft law is currently being prepared by an expert group which includes the representatives from the Ministry of Justice (MoJ) and experts from the Eurasia Partnership Foundation. The draft law was developed without proper consultations with the civil society. The civil society organizations have extensively commented on the existing draft law and at this stage have the following concerns regarding the law.

The definitions:

The definitions of discrimination and types of discrimination should be in line with international human rights law standards. When listing the protected grounds of discrimination the law should meet the standard set under Protocol 12 of the ECHR, whereas current draft law does not refer to “sexual orientation and gender identity”. Given the fact that sexual minorities, including lesbian, bisexual and transgender women are among the most vulnerable groups in Armenia, the specification of SOGI as a protected ground is crucial;

The mechanisms to combat discrimination:

In order to ensure the law can serve as an effective tool to combat discrimination, it should define the functions of the government, of local governance bodies, as well as private employers, in the light of their positive obligations (such as temporary special measures, reasonable accommodation, quotas etc). In order to ensure that the victims of discrimination have access to justice, it should also provide the NGOs with right to bring a complaint to the court through *action popularis* which the current draft does not provide.

National Equality Body:

The establishment of the equality body under the law should be based on the principles of independence, effectiveness, accessibility, transparency and accountability as defined by the UN and CoE standards the best practice. The current draft supposes that the Equality Body will be a part of Ombudsman office which infringes the bodies' independence from any governmental or quasi-governmental entity. The law should provide that the following functions of the Equality

¹ CEDAW 43 Session, 19 Jan-6 Feb, 2009, Concluding observations for Armenia (CEDAW/C/ARM/CO/4/Rev.1) <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgcjdM0xgERNaIXh22nhTUm4qOAFAsxN33SoFO8F6I0Nij14ILy5JS7QjL7R4euk1Nw0cYfuZUkblyIo%2f2maDxct12gMshv%2f2f2fwj2ybEqN%2fXYDOLgBLAIEFHyDAYP%2fY6RQ%3d%3d>

Body are by no means defendant on the approval by the Ombudsman or other governmental body: 1) review of the cases of discrimination and upholding of decisions on the cases, 2) provision of independent assistance to the victims of discrimination, 3) enquiry of the necessary information from the public bodies, 3) the right to initiate and participate in court proceedings, 4) submission of *amicus curiae* to the Constitutional Court, 5) right to bring a complaint to the court through *action popularis*, 6) conduction of monitoring on the implementation of the law, 7) provision of consultation for government and local governance bodies, 8) collection of data and statistics regarding the situation and patterns of discrimination in the country, 9) development of independent reports, educational materials and other materials for ensuring appropriate level of public awareness. The decisions uphold by the Equality Body on the cases it receives and reviews should be considered as evidence when the case is being then taken to the Court independently from the opinion of the Ombudsman.

Amendments in current legislation:

Civil, administrative and criminal codes should be amended according to ECRI General Policy Recommendation N7. Procedural manuals should be developed for judges on the implementation of the anti-discrimination legislation.

After 2015 amendment, the Constitution Article 30 states “Women and men shall have equal rights.” while Article 29 prohibits discrimination on sex and other social characteristics *inter alia* other grounds². Prohibition of discrimination in one or two provisions of similar substance occurs integrally in nearly 29 legal acts while to determine discriminatory treatment in the courts, the alleged victim of discrimination should justify that:

1. he/she had been subjected to marginalization, compared to the others (interference);
2. that such a marginalization was based upon one of the prohibited grounds, third
3. he/she had been under relevantly similar circumstances (comparator),
4. that the mentioned distinctive approach had no objective basis (reasonable link between the means and the purpose)
5. and/or there was no reasonable explanation by the authorized agencies or persons for such distinction³.

The sole formulation of discrimination (narrowed to mere gender based discrimination) is defined in the 2013 “On provision of equal rights and equal opportunities for women and men” as the following “gender based discrimination (direct or indirect) is any restrictive distinction, exclusion or preference on individuals’ rights or interests on the ground of sex aimed at or resulting in impairing or nullifying of recognition, enjoyment or exercise of equality between men and women in political, economic, social, cultural and other spheres of life”. The law also gives a brief definition of direct and indirect discrimination⁴.

Anyhow, this formulation is gender neutral and does not fully comply with the CEDAW convention definition (Art 1) and full fill 12, 13 points of the Committee Concluding Observations.

CEDAW Article 1, it is crucial to determine gender based discrimination and take appropriate measures to address the issue from that perspective, while recent developments in Armenia point out the opposite.

² RA Constitution adopted 5 Jul 1995, amended 06 Dec 2015, in force since 22 Dec 2016
[http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2015\)034-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2015)034-e)

³ “Is it expedient to adopt a separate ‘ non-discrimination law?’” legal research, A. Ghazaryan, V. Grigoryan, Yerevan, 2015 , page 12

⁴ Art 3(2), “On provision of equal rights and equal opportunities for women and men” (Arm), adopted on 20 May 2013, in force since 29 Jun 2013 <http://www.arlis.am/DocumentView.aspx?DocID=83841>, <http://www.un.am/up/file/Law-gender-equality.pdf>

Although the para 4 of the State Party report mentioned the adoption of the aforementioned law as advancement in gender equality, the law adoption *per se* brought distortion of the term “gender” in society and finally led to “gender hysteria” in the country. Moreover, the government LOI 4 point states “ [...] each action concerning protection of women's rights is carried out with the participation of NGOs and civil society [...] always discussed with representatives of NGOs and members of the civil society [...]”, while the example of adoption procedure of the law “On provision of equal rights and equal opportunities for women and men” reveals the opposite:- 38 most active, respected human rights organization had to make an announcement to start public discussions over the law and get involved in discussions.⁵

After joining the Eurasian Economic Union on January 1, 2015, “anti-gender” movement gained new momentum in Armenia getting more support from the Government and media.

The RA Chief of the Staff of Presidency Vigen Sargsyan in the Government meeting of 18.06.15⁶ advised to paraphrase the word “gender” with the term “equality between men and women” referring to negative public perceptions (in fact there is no survey data on gender term perception in the Armenian society) and stating that after discussions on the “Women and Men Equality Law” in the parliament it was decided that the word gender should not be used in any legal act or document. His standpoint was welcomed by the RA Prime Minister and according to Mr. V. Sargsyan, this opinion is also shared by the Armenian Apostolic church, which is also an opinion-maker in the society. In his speech Mr. Sargsyan quoting the definition of “gender” term stated “...everyone knows that gender means social perception of one sex in society... if we want equality between men and women, let’s name it with the term” equality between men and women”.

Gender hysteria has direct consequences on the legal sphere as well: the annual action plans for 2014 and 2015 years adopted in the framework of the “RA Gender Policy Strategic Action Plan for 2011-2015”⁷ were paraphrased as “The Action plan for Men’s and Women’s Equality of Rights, Responsibilities and Opportunities”⁸ instead of “The Action Plan for Gender Equality” as it used to be for 2010-2013 years. All formulations using term “gender” were paraphrased by the term “men’s and women’s equality of rights, responsibilities and opportunities”.

Anti-gender movement also impacted the society at a large through media^{9,10}: Pan-Armenian Parental Committee and other such organizations continue “anti-gender” propaganda trying to convince population that gender equality in reality means “perversion, pedophilia, homosexuality, threat to demography etc.” financed by the western powers to destroy traditional Armenian family and make the government to adopt the “Marriage Equality Act”. Unfortunately, their ideas are publicized via popular and prime-time TV and radio talk-shows, social media, online and printing media, which impacted on individual and institutional levels.

⁵ Published announcement by civil society organizations 29.08.2013

<http://www.pinkarmenia.org/2013/08/genderequalitylaw/>; <http://www.asparez.am/news-hy/haytararutyun-hy-11/>

⁶Video link on the 18.06.2015 RA Government meeting

<https://www.youtube.com/watch?v=6EjIb0paccE>

⁷ RA GENDER POLICY STRATEGIC ACTION PLAN FOR 2011-2015; retrieved from the official web-page of the UN in Armenia [English]http://www.un.am/up/file/2011-2015_Gender%20Policy_NAP-Eng.pdf

⁸<http://www.un.am/up/file/Gender%20Policy-NAP-2015.pdf>

⁹ Investigatory articles over gender hysteria in Armenia<http://en.aravot.am/2013/12/25/163181/>

<http://eurogender.eige.europa.eu/news/war-gender-armenia>

<https://www.opendemocracy.net/od-russia/anna-nikoghosyan/in-armenia-gender-is-geopolitical>

¹⁰“ Human’s factor” talk-show on Armenia TV,

https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjx_qH96OvNAhWBrhQKHd_OBLwQtwIIGDAA&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3D4dKtmPioy20&usg=AFQjCNEY2Evwqu5yNGpzoBL-E2or-KsEdg&sig2=pV3vfBKLyePGfrE9Rzmd5w

For example an expert coaching public school teachers on gender issues states that a lot of teachers refuse to use the term “gender” just because of V. Sargsyan statement in the Government meeting on 18.06.2015. Another example of the phobia against the word “gender” can be the fact that some state representatives who were appointed in the municipalities to work on gender issues and have a job title with the word “gender”, are avoiding to even pronouncing their job titles or positions¹¹.

Thus, one may suppose that there’s an intention to extrude the “gender” narrative in the society and narrow down gender-based discrimination to discrimination on the basis of sex (or at least no effective action is taken for the opposite to happen), which will lead to the continuation of gender stereotypes, misperception of the issue and shielding the issue using cultural and traditional perceptions in society.

Several UN committees stressed the importance of the circulation of the term “gender” along with the term “gender-based discrimination” in society. In particular, they noted that, “[g]ender is relational and refers not simply to women or men but to the relationship between them”¹² on the one hand, and “[g]ender refers to the roles and responsibilities of men and women that are created in our families, our societies and our cultures. The concept of gender also includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). These [gender] roles and expectations are learned [obtained]. They can change over time and they vary within and between cultures. The concept [of gender] is vital because it facilitates gender analysis revealing how women’s subordination is socially constructed. As such, the subordination can be changed or ended.” We urge the state party to stop feeding gender hysteria and take appropriate measures to restore and circulate the gender term in Armenian society and address gender-based discrimination in all spectrums of its expression .

Recommendations

1. Undertake legislative measures aimed to formulate and circulate the “gender-based violence” concept,
2. Replace the term "gender equality" with "equal rights of women and men", as it is not justified and leads to misunderstanding, as well as restore the term "gender" in circulation.
3. Continue efforts to clarify for the public at large and responsible officials and specialists involved in public policies development that “gender equality” issues are not merely restricted to women’s rights issues.
4. The RA National Commission on Television and Radio should establish gender-sensitivity criteria for TV and radio stations licensing procedures.
5. RA Ministry of Culture should support cultural campaigns addressing negative, stereotypical portrayals of women in the media and public at large.
6. To raise independence of the Ombudsman office in the RA, international financing of the office should be restored as the practice shows the public defender office budgeting only by state budget means limits or chains Ombudsman activities.

Article 2. Policy Measures

Although CEDAW convention was ratified in Armenia on 13 Oct 1993, translated into Armenian and can be easily found in internet sources, the convention application in courts is concerning and has resulted in the non-implementation of the CEDAW Concluding observations para 10, 11.

¹¹ Interview with R. Tsaturyan, Social anthropologist, expert on gender education, 05.08.2016

¹² UN Women Glossary of Gender-related Terms and Concepts

<https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sortkey=&sortorder=>

As the official database of the RA MOJ reveals, the convention was referred to in a few number of trials, specifically:

1. Civil litigation: the official database of the RA MOJ finds 2 cases (ԵԱՔԴ/4829/02/14 ԵԱՔԴ/1698/02/14) where the convention was invoked in the plaintiffs' applications, but the court decision makes no reference to it.
2. Criminal litigation: In the criminal trials 2 out of 3 court decisions (ԱԴԱԴ1/0023/01/1, ԼԴ/0176/01/13) and one plaintiff (ԼԴ/0050/01/13) make reference to the convention.
3. Administrative litigation: 0 references.

Moreover, after ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2006 (State report, Point 17), no case¹³ was brought against the committee from Armenia, while court monitoring conducted by the Coalition to Stop Violence Against Women show a high volume of misjudged cases¹⁴. According to the official data presented to media, the RA Police recorded 244 domestic violence cases perpetrated by a husband against a wife and only 7 cases vice versa in the 1st quarter of 2016¹⁵. Unfortunately, there is no data on how many of these complaints were subsequently instituted and judicially resolved, but investigation of current domestic violence cases reveals problems that women face in the courts.

Although the State party report mentions (para6, 7, 8) that RA legislation prohibits discrimination and provides equality before the law to anyone regardless of their sex and stipulates non-discriminatory basis of judicial legislation in Armenia (para9, 10, 11), interviews and court monitoring results revealed that women-plaintiffs do not enjoy their right to fair trial in domestic violence and gender based violence trials. They are stigmatized and abused in courtrooms. Thus, in July 2016 an ex-husband killed his mother-in-law with an axe and critically injured his ex-wife and father-in-law. The murder occurred after long trials, during which time the wife sued him in all three RA court instances, and many complaints to police. Even after the court decision, the Police recorded 8 complaints from this family. Pre-history of this tragedy is not the following: in the verdict of 27.01.2016 the (female) judge of the first Instance court of Shengavit administrative district (Yerevan RA), the perpetrator's guilt was qualified as torture in accordance with the 1st part of the Article 119 RA Criminal Code¹⁶ which envisages imprisonment for the term of up to 3 years. However, taking into consideration his health status, gravity of the crime and the level of public danger, the defendant was not only sentenced for 6 months, but also applied the RA Criminal code Article 70¹⁷, which only obliged the convict to notify a change to his place of permanent residence and be under supervision for 1 year. This decision was upheld both by the RA Court of Appeals and Cassation¹⁸ by two male judges and one female judge.

In the Government report, the existence of women judges is presented as a positive development in the women's rights sphere and constitutes a CEDAW convention implementation level upgrade in

¹³UN Human rights office of the high commissioner official web-page

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=ARM&Lang=EN

¹⁴ "FEMICIDE IN ARMENIA: A SILENT EPIDEMIC" Coalition to Stop Violence Against Women, 2016, p.34-36

¹⁵ Press conference in the "Article 3 club", July 11, 2016

Retrieved from <http://www.aravot.am/2016/07/11/713735/>

¹⁶RA Criminal Code, page 35 Article 119. Torture. 1. Torture is willfully causing strong pain or bodily or mental suffering to a person, if this did not cause consequences envisaged in Articles 112 and 113, is punished with imprisonment for the term up to 3 years. Retrieved from:

https://www.unodc.org/res/cld/document/armenia_criminal_code_html/Armenia_Criminal_Code_of_the_Republic_of_Armenia_2009.pdf

¹⁷ Ibid page 20

¹⁸ Case number: ԵՇԴ/0125/01/15 Retrieved from: http://datalex.am/?app=AppCaseSearch&case_id=16044073672553469

Armenia (State report para13). However, evidence suggests that the gender of judge does not determine the quality of the judgment, especially from a women's rights perspective. To be more substantive, the interviews with several women domestic violence survivors reveal the following picture: a woman judge in the Court of Appeal questioned Hasmik (plaintiff) testimony on being physically and emotionally abused for 9 years of marriage, announcing in the court, "Don't try to convince us that you could tolerate all 9 years of abuse"¹⁹. Another victim, Narine, who is trying to sue the RA Prosecutor office for not invoking criminal investigation for her kidnapped child, says: "it became normal to be stigmatized and offended in the courtroom either by a judge or prosecutor for having a child out of wedlock." Instead of investigating the inactivity of the Prosecutor's office, victim's morality, compliance with being "a good, Armenian woman and mother" and extramarital relations became the topic of conversation. A prosecutor once stated in the courtroom, "I can't see a mother here; a mother is a saint for me". Recently, a female judge even advised her off-the-record to forget her 3-year-old abducted son if she considers herself to be a "good mother"²⁰. (See ANNEX 1. for judicial cases)

Circulation of this concept of "morality" and being a "good Armenian woman" is a high topic in most domestic violence trials, like in the case of Heghine Darbazyan, a 31-year old woman stabbed 30 times and murdered by her ex-husband. The Prosecutor indicted his accusation based on having a "jealousy motive"²¹. (Also see ANNEX 1. Case 1.)

There are at least 30 fatal cases recorded by the Coalition to Stop Violence Against Women in the recent 3 years and up to 2000 DV or GBV complaints received by Coalition member organizations in 2015 alone²². The authorities showed negligence and discriminatory attitudes in the majority of these cases, particularly those with high media coverage and the attendance of court monitoring specialists, which typically has a constraining effect on judiciary and prosecution bodies. As such, it is not surprising that women often do not report domestic assaults to police or prosecutors, nor do they pursue any legal remedies to protect their human rights, an issue that goes back to gaps within the legal and justice systems²³. Another proof of this situation is the RA Ombudsman's reference²⁴ on the office activities related to women's rights in Armenia. Although the appointment of a women's rights special specialist is welcomed, it cannot yet be seen as an advancement as presented by the State report para 15. Moreover, there is only partial implementation of the Committee concluding observations 18 (as the Committee recommended a separate unit responsible for gender equality, not women's rights). The newly appointed specialist is has been on maternity leave since 2nd quarter of 2015 and her duties were delegated to the head of the legal analysis department of the Ombudsman office. As mentioned in a letter written by the deputy director on socio-economic issues of the RA secondly "[...] the office received [*only*] up to 30 calls from women in 2015, the majority of which were anonymous. In all cases women refused to submit a written application to the Ombudsman [thus no case was proceed further], fearing possible harassment and intimidation by family members and/or the relevant state bodies"²⁵.

Thus, cultural and traditional stereotypes in the society on the one hand and inactivity, negligence and the misogynistic approach of responsible state bodies on the other hand creates obstacles for

¹⁹ Interview with Hasmik Khachatryan, 28.06.2016

²⁰ Interview with Narine Nikoghosyan, 01.07.2016

²¹ Case Number: ԵՄԴ/0001/01/16

Retrieved from http://datalex.am/?app=AppCaseSearch&case_id=1407374883596631

²² "Femicide in Armenia: A silent epidemic", Coalition to Stop Violence Against Women, 2016, page 14

Retrieved from: http://coalitionagainstviolence.org/wp-content/uploads/2016/05/Femicide_Report_ENG.pdf?be05b6

²³ Ibid , page 37

²⁴ A reference of the July 21, 2016 electronic letter by T. Khachatryan, Deputy defender on socio-economic issues of the RA HRD office to inquiry of M. Abrahamyan, independent researcher

²⁵ Ibid, 9

women in the Armenia to exercise and enjoy their rights prescribed by the RA laws and ratified international treaties.

To cover these gaps, systematic and comprehensive education of women rights is required. To this point, the establishment of the Academy of Justice²⁶ can be considered as one of the milestone achievements within the implementation of the framework of 2012-2016 strategic program of legal and judicial reforms approved by RA President (State party report, para 14). The Ministry of Justice is the state authority acting on behalf of the Academy founder.

The Academy is a specialized institution in Armenia responsible for:

- development of necessary knowledge and skills, advancement of professional knowledge for persons who are on the list of candidates for the positions of judges, prosecutors and investigators;
- continuous improvement of professional knowledge and working skills of acting judges, prosecutors, investigators, judicial and prosecution officials, judicial servants, etc.;
- gradual adjustment of training courses for persons who are on the list of candidates for the positions of judges, prosecutors and investigators through introduction of joint trainings.

Unfortunately, our inquiry²⁷ to the Academy revealed that there is no designated course covering “gender discrimination” in the curricula of the Academy. As the letter reveals, starting from September 19, 2016 a new course on “Current issues on Racism and Discrimination” will be launched in the Academy with 10-academic-hour length in total: - the course schedule was underdeveloped and they could not provide any information on the course main topics including whether the UN CEDAW convention will be in the course or not. Moreover, as the course is elective, only prosecutors choose to take it, while candidates for judges did not elect it and will not attend.

Moreover, the curricula of universities’ law departments explicitly neglect human rights and especially women rights. For example, an examination of the curricula used for the 2016 academic year at the Yerevan State University Law department, the oldest state law school and biggest law department with three level education (bachelor’s, master’s and postgraduate degrees) in Armenia²⁸, revealed:

1. The absence of a chair, legal clinic or center for human rights in the faculty²⁹
2. Bachelor’s degree curricula give the following references to human rights (see ANNEX 2): There are just four courses that dedicate limited hours to women’s rights, but most of them require no final examination and individual work to pass the course. The dedicated hours are also not adequate to cover each topic. In the “Basics of human rights” course, women’s rights are explored within the “legal situation of special groups of people in Armenia” along with national minorities, refugees and children rights, and merely 4 academic hours are allocated to cover all these topics. While the newly-designed international law course is supposed to cover the right to asylum, dual-citizenship, human rights instruments and 6 more topics, including the international mechanisms of children and women rights protection, a mere 6 academic hours is dedicated to all 9 topics. (For more information see APPENDIX 2).

²⁶ RA Government’s Resolution N990-A made on 13 September, 2013

²⁷ RA Academy of Justice letter N 205/Ղ 2016 dated on 27.06.2016

²⁸ Official web-site of the RA Ministry of Education (RA MoE No 361-U/2 decree on 27.04.2016) <http://edu.am/DownloadFile/7437arm-bakalavr.vcharovi-2016.pdf>

²⁹ Official web-site of Yerevan State University Law Department <http://ysu.am/education/en/Law>

The bibliography of these courses is also outdated (the recent source is dated 2007), and most of them are in Russian. Taking into consideration the rapid dismantling of human rights and the current situation in Russia, the quality of this material is in question³⁰.

In addition to the above-mentioned issues regarding the curriculum, many authority figures are either not cognizant of or strongly opposed to improving women's rights. This lack of political will hampered by those in government encourages institutionalized sexism and an atmosphere of impunity and indifference. We can conclude that the RA has not only employed enough appropriate and effective measures to "domesticate" the CEDAW convention, but is also practicing the widespread phenomenon of "human rights window-dressing". As explained by the United Nations High Commissioner for Human Rights, "[t]he ratification of treaties and agreements, and acceptance of recommendations stemming from UN human rights mechanisms, are not in themselves human rights achievements. There needs to be follow-up and real change to bring greater freedoms and dignity to the people. Unless consequential at the level of the rights of the individual, the work we do will remain bureaucratic – or even theatre. Human rights obligations should not be a 'tick-the-box' exercise designed only to boost a country's international image"³¹.

Recommendations:

1. Gender mainstreaming of all adopted legal acts, developed programs and projects in the field of science and education should be stressed.
2. It is imperative to establish human rights and especially gender issues related research centres, legal clinics and provide state financing for academic researches on gender issues.
3. All the public policy documents and activity plans should formulate measurable results, define indicators and involve a separate monitoring and evaluation segment with clear assessment methodology and set annual or periodic evaluation of the activities as a strict requirement.
4. RA Courts should apply international and regional standards when interpreting national legislative guarantees while examining cases which invoke SOGI.
5. The Human Rights Defender's Office should address violence and discrimination based on SOGI, including the collection of statistics, to promote and monitor effective implementation of international human rights standards at the national level.
6. The RA Police should conduct prompt, thorough investigations of incidents of gender-based violence, hold perpetrators accountable, provide redress to victims, collect and publish data on the number and types of incidents, and providing for the security of those reporting.
7. The RA Academy of Justice should ensure that the curricula of the RA Academy of Justice has a mandatory course on human rights that is gender sensitive.
 - The RA Ministry of Education should support public education campaigns to counter sexist attitudes, establishing national standards on non-discrimination in education; take appropriate measures to equip school psychologists and social workers with knowledge and skills on gender-sensitive approaches; and provide comprehensive, age-appropriate education on sexuality.

³⁰ See Bibliographies of references 35-37

³¹ Opening Statement of the United Nations High Commissioner for Human Rights, to the Human Rights Council's 31st session, 10 March 2016 - Retrieved from:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E#sthash.tSHyZTEc.dpuf>

Article 3. Guarantee of Basic Human Rights and Fundamental Freedoms

There are a number of shortcomings regarding the “Law on Equal Rights and Equal Opportunities for Men and Women” that restrict women's rights and fundamental freedoms:

1. N 686-U decree of the RA Prime Minister³² (2 Aug 2013) reveals that the government provided no financial resources to ensure the implementation of the law.
2. The adoption of the law did not entail legislative amendments for Armenian legislation in accordance with the “new relations” governed by this legal act (e.g. Civil, Criminal, Administrative and Judicial Codes are not amended with the new provisions to ensure effective application of the law provisions), which means that adoption of the law has not entailed new remedies or legal mechanism to upgrade human rights protection in Armenia.
3. This law or any other act in Armenia does not define “gender-based violence” in Armenia. In the absence of such definitions in legislation, the remedies against violence in the hands of individuals can never be effective, as the definition itself serves as the ground for effective remedies.
4. The act does not indicate anything related to the establishment of a national machinery for women's advancement (Point 19 of Concluding observations), including gender budgeting or gender mainstreaming.
- 5.

According to the State report (para 19, 20), the milestone documents adopted in Armenia dealing with Article 3 from a public policy perspective are:

1. The Gender Policy Strategic Program 2011-2015 of the Republic of Armenia ³³
2. The RA 2011-2015 Strategic Action Plan to Combat Gender-based Violence.³⁴

Although both of them are pioneer documents for the Republic of Armenia aimed at improving gender mainstreaming in Armenian public policy, defining the priority directions of the state policy in socio-economic, education, health, cultural spheres, as well as contributing to the reduction of gender-based violence in Armenia, both had important shortcomings which were not overcome in all 5 years regardless the fact that each year annual action plans were approved by the Government to achieve the outlined objectives.

In particular, as the “RA Gender Policy Strategic Program and the Strategic Action Plan to Combat Gender-based Violence of 2011-2015 assessment report”³⁵ reveals:

- Both plans set quite ambitious goals inappropriate to their implementation capacity; however, measurable indicators, defined timeframes and precise responsible departments to carry out activities were not mentioned in these documents, leading to a lack of coordination and rendering them ineffective;
- Armenia's international obligations were not directly included in the strategic planning, including reference to CEDAW or the 5th Millennium development goal of UN (Point 40 of Concluding observations);

³²N 686-U decree of the RA Prime Minister# (2 Aug 2013) on approval of events list ensuring the implementation of the “Law on Equal Rights and Equal Opportunities for Men and Women”<http://www.arlis.am/DocumentView.aspx?docID=84731>

³³<http://www.un.am/en/p/repository-of-national-documents-on-gender#sthash.HkRRNGd6.dpuf>

³⁴<http://www.un.am/en/p/repository-of-national-documents-on-gender#sthash.HkRRNGd6.dpuf>

³⁵http://un.am/up/library/Assesment_2011-2015_Gender%20Policy_arm.pdf

- No national mechanism or state body was appointed as responsible coordinator of these plans and the state budget allocated no financial means to implement these important activities.

Thus, point 19 of the Concluding observations is not implemented, where establishment of the effectively operating national mechanism was stressed as imperative.

Although the RA Prime Minister's two decisions (№1152-U. of 09 Nov 2014 and № 178-U. of 09 Mar 2015) refers to the establishment of the Council on Affairs of Ensuring Equal Rights and Equal Opportunities between Men and Women in the Republic of Armenia³⁶, it is presented as a national mechanism for gender issues advancement. The members of the council are quite representative: 4 ministers, 9 deputy ministers, deputy head of police, and a judge. There is also a working group composed of specialists from the government, ministries, national assembly and the TV and Radio National commission. However, neither the council nor the working group involves any gender issues specialist, researcher, academician or civil society representative. Moreover, all of the council and working group members have their own full-time responsibilities in their respective workplaces, which diminishes the chance that the Council will come up with initiatives and an active working schedule. For instance, in 2016 only 2 sessions were held by the council³⁷. Though the Council has an advisory mandate³⁸, it has no sufficient resources in terms of budget and professional capacity (gender specialists and permanent staff).

Thus, Armenian national machinery does not comply with the criteria stipulated in the Beijing Action Platform. Despite the fact that the high representativeness of the council might push high-level political policy decisions, the lack of staff, financial means and specialists diminishes effectiveness of the council and its mandate, leading to the non-effective implementation of CEDAW convention in Armenia by means of Article 3.

Recommendations:

1. Without a central responsible body managing gender issues, all activities implemented with the purpose to ensure gender equality will be an ineffective use of human, financial and time resources, thus we urge the state body to establish national machinery on the ministerial level fully complying with the criteria of the Beijing Action Platform.
2. Gender-sensitive budgeting should be one of criteria for adoption of the annual state budget.
 - Development of public policy documents should specify measurable indicators of objectives; specify the responsible body within delegated ministry; be precise on required financial means (e.g. costs for implementation of the activities should be calculated and stated in the policy document by the RA Ministry of Finance regardless of budgeting source, not financed by budget resources or other financial means); and incorporate precise M&E mechanisms into the policy documents with regular (annual) independent assessment.
 - The government should start budgeting state policies aimed at improving gender equality.

³⁶RA Government official page <http://gov.am/en/councils/>

³⁷ RA Government official page <http://gov.am/en/councils/reports/5/>

³⁸ The Council statute, Point 6 <http://www.gov.am/files/councils/5.pdf>

Vulnerable groups of women

The concept of multiple and intersectional discrimination is fully absent from the State's policy on elimination of discrimination against women. The State agencies do not provide any data or information on the violation of rights of marginalized groups of women as a result of discrimination they suffer on multiple grounds. Because of numerous stereotypes and discrimination they are subjected to both within their communities and by society at large, women from ethnic minorities, rural women, women with disabilities, bisexual, lesbian, transgender women, and women with HIV/AIDS cannot effectively exercise their rights to education, healthcare, work, and participation in social and cultural life of the society. The lack of data disaggregation in the State's statistical reports on poverty, employment, education, and the socio-economic situation leaves those groups of women practically invisible and marginalized with their rights being continuously violated.

Persons with disabilities

There are currently more than 96,616 women with disabilities (WWD) living in Armenia. Women with disabilities continue to be one of the most excluded, neglected and isolated groups in Armenian society, experiencing widespread and serious violations of their human rights. Armenia ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 22 September 2010. Article 6 of the CRPD reads that women and girls with disabilities are subject to double discrimination based on their gender and disability; therefore, Armenia must assume responsibilities to undertake special measures to guarantee their right to enjoy all human rights and complete freedoms effectively.

Policies addressed to women have not included disability, and policies on disability have forgotten gender, perpetuating the situation of multiple discrimination of women and girls with disabilities. The draft of the law "On Protection of the Rights of People with Disabilities and their social inclusion in the Republic of Armenia" doesn't refer to these problems. Gender sensitive legislation is not perceived as important by authorities, and proposals made by NGOs are ignored. Moreover, data about violence against women with disabilities is not collected by government, which prevents NGOs to realize targeted programs.

Women with disabilities are subject to discrimination, especially with regards to their sexual and reproductive rights. According to research, the right of health secrecy of WWD is violated very often because services are not offered in private conditions. According to the same data, when a woman with a hearing impairment visits a medical institutions, 57% of the employers ask her to come back with an attendant.

In the RA 2011-2015 Strategic Action Plan to Combat Gender-based Violence WWD are generalized under the "other vulnerable groups" category, and there are no individual and accessible measures and actions specifically designed for WWD. Disability-based programs do not ensure equal participation of men and women with disabilities.

According to the state report, employees of the Centre for vocational guidance and vocational rehabilitation of persons with disabilities regularly visit houses of persons with disabilities to learn about their family, social, and physiological state, identify the primary issues and provide relevant consultations to persons with disabilities and family members thereof. "Disability info" NGO surveyed 30 women with disabilities from 8 regions of Armenia and found that only 3.3% had been aware of these services. 96.7% of the respondents reported that employees of the Centre never visited their houses.

Research conducted by “Agate” NGO with 150 women with disabilities³⁹ shows that, disturbingly, 1 out of 3 women (33.3%) don’t leave their homes due to a reported lack of desire, and 9.1% of women believe that they don’t have a reason or need to go out. According to the same research, 33.3% of interviewed persons mentioned lack of money as a reason of staying at home. For 24.2% accessible public transport was not available. 12.1% needed special equipment for moving safely (e.g. a wheelchair, hearing aid or other equipment). 3% mentioned that the need for seasonal clothing is primary. Finally, 3% mentioned that they cannot leave their homes without permission.

According to research implemented by UNICEF-Armenia, children with disabilities may have to stay at home due to the lack of physical accommodation of the external environment, public attitudes, and psychological reasons. 7% of girls with disabilities never leave home or leave only to visit a doctor. Children with motor, intellectual, and combined disabilities are the least likely to go out.

“Agate” NGO also surveyed 30 young women and girls with disabilities, and the results show that women with disabilities are more often subject to physical abuse by their husbands and silently suffer with the belief that it is natural given their physical condition. Roughly 30% of those surveyed said that very often they were abused by the staff of special institutions and health facilities.

Relevant government authorities don’t maintain appropriate comparative statistics on gender and disability in various sectors, which makes it difficult to prove unequal treatment of and conditions for people with disabilities.

Discrimination

History, culture, attitudes and structures in Armenia, including the family, have served to stereotype women and girls with disabilities negatively, thus exacerbating their isolation and social exclusion. Stigma and stereotypes play a significant role in limiting access to justice for women with disabilities subjected to violence. The court system systematically fails to acknowledge women with disabilities as competent witnesses or gives sufficient credence to their testimony. Gender and disability stereotyping impedes the achievement of gender and disability equality and the empowerment of women and girls with disabilities.

Armenia does not recognize multiple and intersectional discrimination. In some jurisdictions, victims of discrimination can only bring a complaint of discrimination with respect to one ground, because multiple and intersectional discrimination is not provided for in the law.

Health care

Although Armenian clinics and hospitals may have new equipment available, programs do not pay special attention to the special needs of WWD, particularly when it comes to their reproductive and sexual health care. WWDs do not have the opportunity to attend medical institution closer to their home, where they would be treated appropriately and would be provided with services adjusted to their needs. They are left out of all projects because health care services are not inclusive.

There are no accessible buildings and medical rooms for women with mobility problems, no appropriate literature or translation for people with hearing and visual impairments, and a lack of awareness about the issue of disability among medical workers.

13% of the receptionists who have taken part in the survey think that medical providers have a right to refuse appropriate services to people with disabilities, justifying this with inaccessibility of the medical institution and its equipment⁴⁰. 66% of respondents reported that a medical provider

³⁹<http://disabilityinfo.am/14340/>

⁴⁰[http://ysu.am/files/Research%20report%20_Inclusive%20Medical%20Services%20for%20Women%20with%20Disabilities%20\(English\).pdf](http://ysu.am/files/Research%20report%20_Inclusive%20Medical%20Services%20for%20Women%20with%20Disabilities%20(English).pdf)

has the right to ask a person with disability to visit the medical institution by an assistant if they need help overcoming physical and communication barriers.

Girls with disabilities

According to research implemented by UNICEF-Armenia⁴¹, girls with disabilities are considerably more likely to be taken to orphanages than boys. The total ratio of registered boys to girls with disabilities is 2 to 1, in orphanages the ratio is almost equal (5.5 to 4.5). Overall, boys with disabilities in orphanages get more visits from family members and go home more frequently than girls.

Only 10% of boys and 5% of girls with disabilities are engaged in sports. Gender differences are more distinguished in regional towns. Moreover, girls with disabilities are consistently more likely to be kept out of school than boys. 18% of the boys and 21% of the girls are not under a pediatrician's care. The gender discrepancy reaches to 5 percentage points in the rural communities. Rates of girls with disabilities who are engaged in sports, attend school, and access health care are considerably lower in rural areas.

Access to court

Ms. Shamoyan, 61, is a Yezidi woman who uses a wheelchair. She brought proceedings against her neighbor, seeking to have a construction for insulation dismantled which he had built inside the entrance of their block of flats, as she was planning to install a ramp for wheelchair access in its place. She was not represented by a lawyer. Later she modified her claim and asked for the construction to be allocated to her, so that she could then install the ramp in its place. A regional court dismissed her claim. In November 2007 she was informed by the Court of Cassation that her appeal had not been admitted for examination, as, contrary to the relevant procedural requirements, it had not been lodged by an advocate licensed to act before that court. Relying in substance on Article 6 & 1 (right to a fair trial and access to court) of the European Convention on Human Rights, Ms. Shamoyan complained that she had been denied access to the Court of Cassation since – living on a disability pension – she could not afford the services of an advocate licensed to act before the court⁴².

Political and public life

Although NGOs are active and provide specific, small-scale services, the voice of WWD is not always taken into account during reforms in the country. A small research study implemented by “Disability info” NGO shows that only 7 of 45 Disabled People's Organizations (DPOs) are directed by WWD.

If a court approves the removal or restriction of legal capacity of women with mental disabilities, they immediately lose rights to participate in elections as well as referendums. Political campaigns remain inaccessible for persons with disabilities and electoral or polling stations are not accessible for women who use a wheelchair. People with intellectual and hearing disabilities are left out of electoral processes due to inaccessibility of information.

WWD are also less likely to have children, more likely to experience marriage breakdown and divorce, and more likely to be single parents.

Recommendations

1. Repeal or reform all legislation which discriminates against women and girls with disabilities either directly or indirectly.

⁴¹See "It's about Inclusion", Unicef Armenia http://www.un.am/up/library/Its%20about%20Inclusion_eng.pdf

⁴²CASE OF SHAMOYAN v. ARMENIA, (Application no. 18499/08), STRASBOURG 7 July 2015

2. Collect and analyze gender- and disability-sensitive data, set benchmarks and indicators in particular with respect to discrimination, exploitation, violence and abuse and reproductive and sexual health.
3. Ensure the right of WWD to be heard and involve them in the preparation, implementation and evaluation of programmes concerning women.
4. Adopt all necessary measures to address the precarious situation of girls and women with disabilities especially with regard to access to education, employment, and health care and to reproductive rights services.
5. Raise awareness about disability, gender equality and equal rights in the society, among politicians and the business sector.
6. Conduct special surveys and analyze cases of violence against WWD to identify possible causes for violence and develop measures to prevent them.
7. Adopt social-policy programmes which enable women with disabilities to live an inclusive, self-determined and independent life.
8. Eliminate the system of full deprivation of legal capacity, including the guardian's exclusive authority to make decisions in lieu of the person. Adopt effective measures to provide women with disabilities access to the support they may require in exercising their legal capacity.
9. Install gender and disability-mainstreaming and budgeting in all policies and programmes.

Ethnic Minorities

In reference to para 37 of the State party report, no steps have been taken and no "special attention" paid to preserve the culture of Yezidis. There are no Yezidi culture clubs in Armenia. The teachers who teach the Yezidi language in schools receive low salaries, and this does not motivate youth to go to Yezidi communities and to teach their mother tongue. "The history of Armenian Church" subject is being taught in RA public schools. This in reality translates to preaching Christianity and thus violating rights to freedom of religion of Yezidis and other children from ethnic minorities.

Indeed, national minorities are provided with little financial support as indicated in State party report (para 38) though an equal approach of distribution of resources among communities creates an unbalanced situation. The Yezidi community with 40,000 people is provided with the same amount of money from the RA state budget for preserving culture as the German community with 40 people. They are annually allocated less than 2 million drams (app. 4,000 USD), which is very small to solve any essential problem in a community with 40,000 people.

Access to education is one of the crucial issues for Yezidi women who live in Armenia. A lot of Yezidi girls continue to stay illiterate. This situation continues especially because of the propaganda being carried out by some of the leaders of the older generation. Some Yezidis think that those girls who have graduated from school and study at higher educational institutions are immoral and will not be able to marry. According to Boris Murazi, President of Sinjar Yezidi National Union NGO, early marriage of girls in the community and the right to education is a serious problem.⁴³

On September 12, 2012 the government of the Republic of Armenia adopted a Draft Law "On Amending the Family Code of the Republic of Armenia". According to this law, 18 years is determined as a minimum threshold of the marriage age for both men and women.⁴⁴ However, early and forced marriage of girls is still practiced within the Yezidi community, and is grounded in

⁴³ <http://en.aravot.am/2015/10/19/172537/>

⁴⁴ http://iravaban.net/wp-content/uploads/2015/12/Monitoring-report_CEDAW_arm.pdf

the lack of value placed on women's and girls' role in society.⁴⁵ Human Rights Report 2015 also states that early marriage of girls was reportedly more frequent within the Yezidi communities, but the government took no measures to document the scale or address the practice.⁴⁶

The gaps in the appropriate law and stereotypical thinking contribute to violating Yezidi women's right to get education. For example, according to the RA law on education, 9 years of education for RA citizens is mandatory (starting in 2015, this changed to 12 years of compulsory education). However, the law does not prevent the cases when Yezidi women's right to education is violated.⁴⁷ Especially in the rural areas, Yezidi parents do not let their daughters to attend school after 5-6th grades. There has not been any case when the Ministry of Education intervened to ensure children's right to education.

Yezidi women's right to education is mainly violated in rural areas. According to official statistics 473 Yezidi girls have entered schools in 2003-2015 in the 15 Yezidi communities targeted by the research⁴⁸. 234 (54%) of them have graduated from 9th grade, 122 (26%) have obtained 12 years of education while 177 (37%) of those girls have not even graduated from 9th grade school, a violation of the law.⁴⁹ Taking into consideration that 12 years of education is the minimum threshold for obtaining appropriate basic knowledge, it can be concluded that the majority of Yezidi girls in reality are not educated in Armenia.

Among the factors limiting girls from Yezidi community from getting basic education are the fears girls have in opposing their parents, community members' opposition to girls education, and early marriages. Thus, because of deeply rooted sex role stereotyping, women and girls belonging to the Yezidi community, the largest ethnic minority in Armenia, suffer continuous violation of their right to education. The same stereotypes and discriminatory practices drive Yezidi girls into early and forced marriages, yet the Government takes no measures to document the practice and address its scale^{50,51}. Yezidi women and girls are also being subjected to marginalization and discriminatory attitudes from the general population because of the existing prejudice that all Yezidis are "dirty" and "illiterate"⁵².

Recommendations:

1. Articulate the issue of multiple and intersectional discrimination in all awareness-raising and educational campaigns undertaken by the State for the elimination of gender stereotypes, discriminatory norms and practices.
2. Introduce clear policy measures to tackle multiple discrimination against women.

⁴⁵Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia. 2016. A/HRC/31/58/Add.2, (para24)

⁴⁶ Armenia 2015 Human Rights Report . <http://www.state.gov/documents/organization/253031.pdf>

⁴⁷<http://www.edu.am/index.php?id=5&topMenu=-1&menu1=85&menu2=89>

⁴⁸Problems with education of Yazidi women in Armenia. 2015 "Sinjar" YNU

⁴⁹The data used in the report is taken from the official information released by RA Ministry of Education.

⁵⁰ See, UN Population Fund (UNFPA), Child marriage in Armenia (Overview (2014)), p. 6. Available online at// <http://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20armenia%20overview.pdf>

⁵¹ See, supra 15, p. 35

⁵² See, Society Without Violence, "A would never let a Yazidi girl to be my daughter in law", Journalistic investigation (in Armenian only) (2015). Available online at// <http://www.swv.am/index.php/hy/activities/516-i-would-never-let-a-yazidi-girl-to-be-my-daughter-in-law#.V3LaN7t97IV>

3. Ensure that State data on poverty, socio-economic situation, access to education, employment and healthcare is being disaggregated on multiple grounds of discrimination according to the different marginalized groups being subjected to discrimination.
4. Adopt the Law on National Minorities with clear definition of those communities as well as rights and privileges granted them by the State.
5. Develop programs aimed at preserving national and cultural identity of national minorities through the creation of special language centers and enhance the capacity of teachers teaching the mother tongue of those communities.
6. Revise the “History of Religion” subject in schools in order to respect the right of freedom to religion for national minorities.
7. In cooperation with national minority groups make appropriate amendments to the “Law on Education” to ensure access of girls from those groups to basic education.

Article 5. Sex Role Stereotyping and Prejudice

Awareness-raising and educational programs

State party report (para 45) provides information about several awareness-raising and mandatory training courses on gender equality for civil servants⁵³. It should be mentioned that civil society organizations have no information regarding the nature and the content of those training modules. It also remains unclear to what extent the given educational measure contributes to gender sensitization of civil servants. There is also no information on the system of indicators for assessing and monitoring the improvement of the gender situation supposedly introduced by the State (para 45b). It is highly problematic that those organizations and individuals who on ground work for the protection and promotion of women’s rights in Armenia are excluded from the process of elaborating policy measures adopted by the Government for combating sex role stereotyping and gender discrimination.

Government officials and service providers who encounter victims still have limited knowledge on domestic violence, including its manifestations, causes, the effects of trauma, risk assessments, and safety plans, and thus frequently mishandle cases⁵⁴. Often, death threats and other warning signs are overlooked, as officials lack the capacity to carry out appropriate risk assessments or are unwilling to do so⁵⁵. Authorities have yet to use general, suicide, and homicide risk assessment questionnaires, something that domestic violence service provision centers have used in their practice for several years⁵⁶.

As more cases come to their attention, government bodies and service providers have been asked to provide assistance to victims, but they remain unprepared and often mishandle cases⁵⁷. As a result, battered women rarely reach out for assistance from authorities, and, when they do, the vast

⁵³ UN Committee on the Elimination of Discrimination against Women (CEDAW), Consideration of reports submitted by the State parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: combined fifth and sixth periodic reports of State parties: Armenia, 18 April 2015, CEDAW/C/ARM/5-6, para 45 a

⁵⁴ Interview with NGO representative, June 2016.

⁵⁵ Interview with NGO representative, June 2016.

⁵⁶ Interview with NGO representative, June 2016.

⁵⁷ Interview with NGO representative, June 2016.

majority either return to their abusers or are referred to NGOs who can offer support. Of particular concern is the insufficient training received by social workers. Social work students at the Yerevan State University typically cover GBV only for one hour based on their curriculum. No serious steps have been taken by the government to carry out professional development courses for public health, education, social sphere specialists, and policemen on GBV identification, reporting, and provision of support services⁵⁸. The State party has provided limited specialized training courses to judges, prosecutors and police on the protection of victims and identification and prosecution of perpetrators, but there are no mechanisms to monitor and evaluate knowledge or gender sensitivity as a result. Additional trainings for social workers, police, health providers, medical examiners, court officials and other State party actors who interact with domestic violence victims are needed, and these trainings should be prepared and conducted in collaboration with NGOs who work with victims of GBV.

Apart from civil servants, the State reply under Article 5 of the Convention does not provide any information in relation to awareness raising and educational campaigns for community leaders, parents, teachers, young girls and boys, as recommended by the Committee⁵⁹. Whereas, some reference is made regarding the work with teachers later on in the State report (which is discussed under section on education of this Shadow report), no reference is made to the work with parents. In fact, parents as a group are left out of the State's policy measures for combatting gender stereotyping and gender discrimination.

It is obvious that prejudices, sex stereotyping, discriminatory practices and traditions will never be eradicated from society if the young generation does not receive gender-sensitive education in a gender-sensitive environment. Para 47 of the State party report mentions that various organizations in Armenia conduct gender-related analysis of school textbooks. However, the State itself continuously fails to ensure adequate gender-sensitive education. The study conducted by Society Without Violence NGO shows that the Social Science school textbooks for 8th-12th grades contain and replicate sex role stereotyping, thus fostering stereotypical and discriminatory narrative among young girls and boys⁶⁰. For instance, on page 165 of the 10th grade Social Science textbook, the following information can be found: "American psychologist U.F. Harly specifies five basic needs for men and women, the fulfillment of which ensures the stability of the marriage, while dissatisfaction of those needs may lead to a conflict and potentially divorce. Men's five basic needs in marriage are: 1) sexual satisfaction, 2) companionship, 3) a charming woman, 4) management of the household, 5) admiration. Women's five basic needs in marriage are: 1) tenderness, 2) person to talk to, 3) honesty and frankness, 4) financial support, and 5) devotion to family"⁶¹. Page 114 of the 12th grade textbook says: "If both the mother and the father work in the family, then who takes care of the children, their upbringing and spiritual growth? Traditional societies turn out to have answers to this and other similar questions, while in modern societies these sorts of questions are lacking answers"⁶².

⁵⁸ Interview with a lawyer representing battered women, June 2016.

⁵⁹ UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations of the Committee on the Elimination of Discrimination against Women: Armenia, 28 January 2009, CEDAW/C/ARM/CO/4, para 21

⁶⁰ Society Without Violence, "Integration of gender component into social science subject: Recommendation package (2014)", pp 13-20. Available online at <http://www.swv.am/attachments/article/447/Recommendation%20package%20-%20ENGLISH.pdf>

⁶¹ Ibid, page 16

⁶² Ibid, page 18

Clearly, provision of this kind of information contradicts the spirit of Article 5 (a) and (b) of the Convention and only deepens gender stereotypes among schoolchildren, inhibiting stereotypical social and cultural patterns of conduct of men and women and stereotypical perceptions about their roles and responsibilities in private and public spheres.

Media sphere

The state party report para 46 states that “Armenian television and radio companies play a significant role in the process of overcoming gender stereotypes”. It also provides information on TV and radio programs which cover gender issues, such as violence against women, forced prostitution, and women’s integration into the political, economic, social and cultural life of the county⁶³. However, numerous studies conducted by local organizations and institutions show that the media representation of women and women’s issues in Armenia is far from being gender-sensitive and in reality lacks any capacity for changing the existing culture of violence and discrimination against women. On the contrary, media, TV shows, soap operas and advertisements only contribute to reproduction of gender stereotypes and prejudices and to normalization of discriminatory norms.

A comprehensive study on the image of Armenian women in mass media conducted by the Center for Gender and Leadership Studies reveals a “circulation of stereotypes on television, typical of a patriarchal system, women are attributed with marginalized, immoral and materialistic character”⁶⁴. The image of women presented on television more closely resembles “a doll-like image of a well-groomed and decorated woman with the perfect body”, whereas positive and empowering images of women are very rare⁶⁵. A similar study of Armenian popular TV shows and soap-operas reveals that in soap operas violence toward women is presented as inseparable part of male masculinity, dictating tolerance to violence in general, and particularly to domestic violence⁶⁶.

Insidious remarks and actions by government officials and public officials are widely covered by mass media and seep into the mentality of the public, ultimately reinforcing gender stereotypes and violence against women and encouraging women to be subservient to men. An unfortunate reality, many authority figures are either not cognizant of or strongly opposed to improving women’s rights. This lack of political will hampered by those in government encourages institutionalized sexism and an atmosphere of impunity and indifference. For instance, former governor of the Syunik Region Surik Khachatryan slapped female entrepreneur Silva Hambardzumyan across the face during a public dispute at the Marriott Hotel in Yerevan. The RA Special Investigative Service concluded that his actions did not constitute battery and was not a criminally punishable offense, sending a signal that violence — even at the highest levels of power — are tolerable.

Studies show that in Armenian media there is a very low rate of topics that discuss women’s issues (10%) and a very low percentage of appearance of female experts on television (25%). This, in its turn, influences the impact of television in Armenia, which is the primary source of information for the majority of the population, on public opinion in terms of overcoming gender stereotypes. Moreover, the Armenian government has conducted few awareness-raising campaigns on GBV. The

⁶⁴ Center for Gender and Leadership Studies, “The image of Armenian women in mass media (TV): from gender sensitivity to gender stereotypes” (2015), p 53. http://www.yasu.am/files/Lilit%20Shakaryan%20_%20ARM.ENG%20Report.pdf

⁶⁵Ibid. p53.

⁶⁶ Center for Gender and Leadership Studies, “Gender power in Armenian soap operas: women masculinity and violence” (2014), p 6. <http://yasu.am/files/Summary%20CGLS%20research.%20final.pdf>

lack of social advertisements translates to offering little to no information about support services for victims. Active NGOs put out advertisements every once in a while, but these advertisements are expensive and burdensome for NGOs in the field that run on a tight annual budget. There is a need to conduct more comprehensive and accurate public awareness-raising campaigns on domestic violence issues, which would help to overcome social prejudice and acceptance of violence, and encourage women to speak out as well as combat gender stereotypes and myths prevalent in society. Such campaigns have a demonstrated impact. For example, after an NGO campaign that was sponsored by the United States Ambassador to Armenia, hotline calls to Coalition member organizations increased.

Domestic Violence

Legislation

Domestic violence remains one of the most serious social issues in Armenia, and violence in the home appears to be widespread. According to research conducted in 2011 by the Organization for Security and Co-operation in Europe, 60% of respondents reported having been subjected to domestic violence in their lifetime, and nearly 40% reported domestic violence within the last two years at the time of the survey⁶⁷. From 2010-2015, 30 known murder cases involving domestic violence have been reported by authorities, and several more have gone unreported or wrongly recorded as suicides or accidents⁶⁸. For a small population of just over 2.5 million people, this number is alarmingly high⁶⁹.

Pregnant women are especially at risk in cases of domestic violence. Among the 68 new cases that presented to the Women's Support Center in Yerevan in 2015, upwards of 70% had been physically battered during pregnancy and, in several cases, women had experienced miscarriages⁷⁰. In one femicide case, a perpetrator killed his pregnant wife as she was attempting to escape the violent relationship. Even though finger marks found on her neck suggest that she was strangled to death, her death was labeled a suicide⁷¹.

Despite the pervasiveness of domestic violence and Armenia's obligations under Article 2 of the Convention to adopt appropriate legislation to eliminate discrimination, including violence against women, there is currently no law against domestic violence and no policies or prevention programs. The Armenian government rejected two earlier draft laws. In 2010, the government rejected the draft law based on several articles that they said contradicted constitutional law as well as government officials' insistence that the government did not have the resources to enforce the law, which included opening and maintaining shelters. The government representatives made no attempt to rectify the draft law and outright rejected it. In 2012, a coalition that included women's NGOs submitted a revised version of the draft law that addressed the government's concerns. It outlined a number of measures for prevention and protection such as restrictive measures, including injunctions, official warnings, and protective orders. It also called for victims of violence to be provided with access to a shelter on request.

⁶⁷Organization for Security and Co-operation in Europe (OSCE).(2011). Domestic Violence Survey in the Republic of Armenia.

⁶⁸ Coalition to Stop Violence Against Women, 2016, "Femicide in Armenia: A Silent Epidemic"

⁶⁹ According to 2010 UN estimates, the de jure population figure in Armenia as roughly 3 million, whereas the de facto figure, which more accurately represents reality, is 2.6-2.8 million.

⁷⁰ Women's Support Center database, accessed June 2016.

⁷¹ Coalition to Stop Violence Against Women, 2016, Femicide in Armenia: A Silent Epidemic.

The Armenian government still has not adopted a law against domestic violence. Though government authorities confirm that a domestic violence law will be accepted by 2017, civil society has not been allowed to participate in the process in any meaningful way. The lack of a domestic violence law leaves victims unprotected and allows perpetrators to act with impunity.

Protection of victims of domestic violence

Because there is no law against domestic violence and no trained legal professionals, the characteristics, nuances, and circumstances specific to domestic violence cases are not taken into account. Even in rare instances where these officers are aware of the gender sensitive procedures that could be observed, they are hesitant in applying these in a manner that protect women from the consequences of discrimination⁷². Thus, victim testimonies are not given sufficient power and records without prior knowledge of the perpetrator are considered illegal. In practice, this translates to witnesses avoiding giving their testimonies and not seeking justice.

In 2013 the government acknowledged the issue of domestic violence and created a special police division to address issues related to children and domestic violence; however, to this day, the division has not received the authority to establish mechanisms. For example, there are no systematic police processes for investigating cases, making appropriate referrals, implementing legal procedures, such as issuing protection orders, and properly documenting elements of abuse in incident reports. Police are not legally allowed to detain a batterer, intervene in situations of violence, remove an abuser from the home, or offer basic protection to victims and their children⁷³. In practice, a victim must report at least three times in the past year for acts of violence in the home to be considered and registered as domestic violence. Often, they are registered as “irreconcilable families” instead of domestic violence cases⁷⁴. Many women don’t write a deposition; instead, they verbally report the violence. Often the victim is told by the police to solve her own “family matters”.

In one example where early police intervention was lacking, a mother of two was subjected to psychological and physical violence throughout her marriage. She reached out to the police on a number of occasions but did not receive the proper protection. She left her partner and had lived apart from him for one year before he came into her workplace in 2015 and stabbed her to death⁷⁵.

The lack of police protection for victims extends to participation in court proceedings. Protection services are hired to protect the victim in the courtroom, as there have been several instances where victims and human rights defenders have been verbally and physically attacked by the perpetrator and his family within the premises of the court house and no police protection was available. Human rights defenders are asked to call in advance to request protection outside of the courtroom, which should be a de facto obligation of the police. In other cases, the police have disclosed a battered woman’s whereabouts or contact information. (also see APPENDIX 1. Case 2)

Judicial stereotypes

The lack of laws and specialized court procedures makes it challenging to protect victims and appropriately punish perpetrators. Even more, the lack of gender sensitivity resonates throughout

⁷²Interview with lawyer representing battered women, June 2016.

⁷³Interview with NGO representatives, June 2016.

⁷⁴Interview with lawyer representing battered women, June 2016.

⁷⁵ Coalition to Stop Violence Against Women, 2016, Femicide in Armenia: A Silent Epidemic.

the entire court process, from hearing and collecting evidence, victim testimony and sentencing, and further reinforces the view that domestic violence is tolerable⁷⁶.

As acknowledged by the Committee, “[w]omen should be able to rely on a justice system free from myths and stereotypes, and on a judiciary whose impartiality is not compromised by those biased assumptions.”⁷⁷ Armenian judges often engage in victim blaming and look at whether a victim in a domestic violence case “provoked or stimulated” the criminal act. In the court room, it is not uncommon for perpetrators’ sentences to be reduced due to mitigating circumstances, and judges may consider infidelity — whether substantiated by evidence or not — a mitigating circumstance and subsequently reduce a perpetrator’s sentence⁷⁸. If monetary compensation is requested by the victim, the judge or prosecutor accuses her of being after the abuser’s money.

In one recent femicide case, a woman was stabbed 21 times by her husband in front of her two teenage daughters. In his trial, the prosecutor attempted to prove that the victim was unfaithful to her husband based on phone calls that she had made in the middle of the night. The judge considered the supposed infidelity a mitigating circumstance and reduced the sentence, attributing the murder to jealousy. The forensic investigation was thought to be highly corrupted, as initial psychiatric examinations that showed no signs of abnormal affective behavior were overturned by follow-up examinations carried out by a different investigator who claimed that the abuser suffered from temporary insanity⁷⁹. Judges often impose less severe sentences when children are in the picture, wrongly believing that the children should be raised by the parent with financial stability, even if that means living with an abuser.

Lack of statistical data and underreporting

The real scale of domestic violence is still unknown, and the problem remains latent. There are no publicly available detailed governmental statistics concerning the issue of domestic violence and its impact on the lives of women and their families. Key agencies, such as law enforcement officers and the courts, fail to record cases of domestic violence in a systematic manner and collect reliable and comprehensive statistics. Statistics about crime figures and prosecutions, when available, do not include information about the victim or her relationship to the perpetrator, disaggregated information by gender, or figures on the number of women murdered by intimate partners and family members.

Provision of services for victims of domestic violence

There are few government-run services to protect victims of domestic violence. Due to the lack of State party support, civil society organizations take on the entire burden of responsibility to provide critical services to victims of domestic violence. These NGOs, including the Coalition to Stop Violence Against Women and its member organizations, have provided services to women and children victims of domestic and sexual violence. However, the State party has not provided any funding for providing these services. NGOs working in the field primarily receive funding from international organizations and foreign donors. Moreover, it has become increasingly difficult to secure police protection when needed. Service providers are in constant danger of violent attacks

⁷⁶Interview with lawyer representing battered women, June 2016.

⁷⁷CEDAW Committee, General Recommendation No. 33 on women’s access to justice, CEDAW/C/GC/33, para. 28.

⁷⁸Interview with NGO representative, June 2016.

⁷⁹Coalition to Stop Violence Against Women, 2016, Femicide in Armenia: A Silent Epidemic.

by perpetrators and are forced to hire police protection and pay for the service out-of-pocket because they cannot rely on the Armenian police for protection.

Shelters: Temporary shelters and, on occasion, safe alternative housing, are offered only by NGOs. The Armenian government fails to protect women from domestic violence, as women remain in violent situations because they do not have viable alternatives such as short-term shelters and long-term solutions to their housing problems. As women often do not have a sufficient income of their own to rent or buy accommodation, they often rely on friends or their family for accommodation on a permanent basis⁸⁰.

The Ministry of Labor and Social Affairs is currently addressing the issue of streamlining shelter guidelines; however, in its current iteration the guidelines are generalized for all types of shelters, i.e. shelters for trafficking victims, the homeless, and domestic violence victims⁸¹. Thus, the current status quo fails to take into account the unique needs of different marginalized populations and may even place the survivor in harms way, since she requires a confidential location and protection from her perpetrator as well as targeted counseling⁸². And the revision of guidelines does not include any funding for the NGOs that are providing these services in the absence of State party provided shelters.

Safe Visitation Locations: Victims of domestic violence, including those temporarily residing at the two NGO-run domestic violence shelters, do not have access to a safe meeting place for court-ordered visitation by the domestic violence perpetrators. On numerous occasions, NGO representatives have been told by police and child protection services that they do not have space in their offices and that it is not within their mandate to provide a safe meeting place for perpetrators to meet with their children⁸³. Given the lack of a safe space, NGOs may organize a meeting at their offices if they deem it appropriate and call for police protection; however, these organizations have become vulnerable to threats and attack by these same perpetrators⁸⁴.

Lesbian and transgender women

The nature of violations of LGBT people is connected with the visibility of transgender women, which, in most cases, has resulted in physical injuries and threats to their lives. This community has for the most part not reported violations. However, this underreporting should not be interpreted as a lack of violations, as it is often the case that LGBT people's human rights have been violated whenever their status is known or inferred by the perpetrator. (See APPENDIX 1. for Case descriptions targeting violation of human rights of lesbian and transgender women in Armenia 2012-2016)⁸⁵.

Other issues, such as lack of availability of adequate healthcare services (e.g. sex reassignment surgery) and the lack of employment opportunities have not been reported as major issues by the community, despite the fact that the issue is there and there are no legal safeguards to adequately meet the special needs of LGBT people.

⁸⁰Interview with NGO representative, June 2016.

⁸¹Interview with NGO representative, June 2016.

⁸²Interview with NGO representative, June 2016.

⁸³Interviews with women's NGO social worker and lawyer representing battered women, June 2016.

⁸⁴Interviews with women's NGO social worker and lawyer representing battered women, June 2016.

⁸⁵Cases are provided by PINK Armenia ("Public Information and Need of Knowledge") NGO

As it stands, there is no specific legislation on prohibition of discrimination in Armenia. Articles 29 of the new Constitution of the Republic of Armenia stipulates that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited⁸⁶. Sexual orientation and/or gender identity and expression are not included in anti-discrimination norms of any other legal acts as well. The grounds based on which discrimination is prohibited in branch laws are, in most cases, open-ended as well, thus it is inferred to be included in “other grounds”. However, the practical implementation of anti-discrimination norms have never been applied to LGBT people.

The lack of legislation to comprehensively address the issue of discrimination does not allow LGBT people to be protected against discrimination. There is no legally accepted definition of discrimination and no procedural regulations to claim discrimination in national courts as well as in other relevant bodies. As a result, discrimination on the basis of sexual behavior, sexual orientation or gender identity and expression remains unaddressed in all spheres of Armenian society⁸⁷.

There is no comprehensive legislation addressing issues of hate crimes in Armenia. The national legislation does not provide for the main concepts related to hate crimes, nor does it specify legal responsibility and restitution with regard to hate crime cases. However, article 63 of RA Criminal Code states, among other things, that committing a crime by ethnic, racial or religious motives, for religious fanaticism, and as revenge for other people’s legitimate actions, is a circumstance for aggravating the crime and punishment⁸⁸.

The motives aggravating the liability for the criminal act, according to the above principle of interpretation of the existing criminal law provisions, are limited to those stated in the Criminal Code and exclude sexual orientation and gender identity as a bias motivation. According to the law of RA “On Legal Acts”, criminal law provisions cannot be applied based on analogy and infer a wider range of legal relationships than explicitly defined in the criminal legislation, which means that other grounds other than those stated in the criminal legislation cannot be claimed with regard to criminal cases⁸⁹.

That is to say, hate crimes do not apply to cases related to sexual orientation and gender identity of a person. As a result, the crimes committed on the basis of sexual orientation and/or gender identity of person have never been qualified as hate crimes, which also mean that no effective remedies have ever been available for the victims.

Hate speech is not regulated in Armenian legislation as well. The existing legislation does not specify the concept of hate speech, the protected grounds against hate speech, and the applicability of the norm to private and/or public sector.

Article 226 of RA Criminal Code defines criminal liability for actions aimed at inciting national, racial or religious hatred as well as racial superiority or humiliation of national dignity⁹⁰. It criminalizes only incitement to hatred based on national, racial or religious grounds thus excluding

⁸⁶ Article 29, Constitution of the Republic of Armenia, with amendments December 2015, available at: <http://www.arlis.am/DocumentView.aspx?docID=102510>

⁸⁷ Legal research on “Is it expedient to adopt a separate non-discrimination law”, 2015 Yerevan, available at: http://www.epfarmeria.am/wp-content/uploads/2014/06/Research-on-Anti-discrimination_-21.05.15-ENG_Final-1.pdf

⁸⁸ Article 63, Criminal Code of the Republic of Armenia RACriminal Code, available at: <http://www.arlis.am/DocumentView.aspx?DocID=98865>

⁸⁹ Article 86 and 88 of law “On legal acts” of the Republic of Armenia, available at: <http://www.arlis.am/DocumentView.aspx?DocID=90941>

⁹⁰ Article 226 of the Criminal Code of the Republic of Armenia, available at: <http://www.arlis.am/DocumentView.aspx?DocID=98865>

other grounds on which the incitement of hatred could be based, including sexual orientation and gender identity.

The lack of legislation has played its role in promoting, disseminating, and encouraging hate speech both by state representatives and private persons. For example, vice president of the Armenian National Assembly, Mr. Eduard Sharmazanov, publicly stated that the attack carried out on 8 May 2013 on a gay-friendly bar in the capital, Yerevan, was “completely right and justified”, and those who support the human rights of LGBT Armenians “are perverting our society, and defaming the Armenian national identity”. Another parliamentarian, Artsvik Minasyan, stated that the young men who attacked the bar “acted in accordance with our society’s values and national ideology, and in an appropriate manner.” He further called for a fight against the “spreading of homosexuality” as a “threat to national security”⁹¹.

Accordingly, one of the Armenian newspapers called “Iravunk” published an anti-gay blacklist of people, with direct incitement to discrimination and intolerance towards them, and a ruling political party MP Hayk Babukhanyan, who is also the founding member of that newspaper, publicly supported the article and appeared in the court proceedings to support the respondents⁹².

Hate speech provisions are inapplicable with regard to sexual orientation and/or gender identity, and applicants must initiate civil proceedings with a defamation clause, i.e. as expressions damaging their honour and dignity. Then the applicants noted the hate motivation of such expressions and discriminatory nature of them, the Court dismissed the claim stating there was no damage to honour and dignity of the applicants with any referral to the motivation and discriminatory nature of the expressions and that it was outside the scope of the proceedings.

Taken together, evidence shows that the lack of adequate legislation continuously plays a role in perpetuating and legitimizing the narrative that violations of human rights of LGBT people are not an issue and do not need to be adequately addressed. Moreover, the official stance of state representatives perpetuates the negative stereotypes that exist in Armenian society, which is directly in contradiction with its obligations to prevent human rights abuses.

Recommendations:

Awareness-raising and educational programs

1. Ensure involvement of women’s rights organizations in all stages of the development of State policy measures for elimination of gender stereotypes and prejudices, including design of educational programs and materials and provision of training for civil servants.
2. The State’s awareness-raising and educational campaigns to eliminate gender stereotypes should focus on parents, given their primary role in shaping of views and attitudes of the young generation;
3. Ensure that young girls and boys receive adequate knowledge on gender equality and its importance for the development of any individual and the society as a whole. Conduct a revision of all school textbooks with the aim of their gender-sensitization and elimination of all patterns of discrimination, sex role stereotyping and prejudice against women contained in them.
4. Equip school teachers and administrators with enough skills and knowledge to be able to ensure a gender-sensitive environment for the children in the classroom.

⁹¹ Armenia: A Blurry Line in Yerevan Between Hate Crime and Defense of “National Interests”, available at: <http://www.eurasianet.org/node/65436>

⁹² Iravunk newspaper continues to preach violence, PINK Armenia available: <http://www.pinkarmenia.org/en/2014/07/iravunknewspaper/>

Media sphere

5. Introduce clear State policies to eradicate harmful gender stereotyping, misogynistic and homophobic speech in the media.
6. Provide journalists and media professionals with a comprehensive training on gender sensitivity, including an assessment of existing gender issues in the country and proper ways to represent those issues. Such training for journalists and professionals working in State-run media should be mandatory.
7. Adopt the integrated model of participatory journalism in the public sector of information (IMPJ) in order to attain gender equality and gender sensitivity in public information media services⁹³.
8. Include propagation and justification of violence towards women as a ground for prohibiting the broadcast of programs under Article 22 of the Law of the Republic of Armenia “On television and radio”.

Domestic Violence

9. Pass legislation on domestic violence and establish mechanisms, including emergency barring and protection orders, in order to adequately prosecute and punish perpetrators.
10. Develop and implement specific legislation that distinguishes killings that are gender-motivated in an effort to critically examine patterns and design appropriate responses.
11. Create a coordinated, multi-sectoral response mechanism that involves the police, prosecution officers, court officials, medical providers, social workers, and other service providers.
12. Ensure accountability at all levels and at all institutions to improve the quality of services to victims and increase trust of victims toward institutions/organizations.
13. Protect women and human rights defenders against perpetrators, including providing protection during court proceedings, and create confidentiality procedures in court proceedings to protect a victim’s safety.
14. Ensure police protection without cost to service providers working with domestic violence victims in shelters.
15. Compile reliable and accurate statistics disaggregated by gender and indicating the family relationship of victim/s and perpetrator/s on reports, and investigations and prosecutions of violence against women in the family across Armenia, and make these statistics available to the public.
16. Ensure that judges, prosecutors, police, social workers, and the staff under the Ministry of Labour and Social Affairs, the Ministry of Justice, and Police Department for juvenile rights and combating domestic violence are provided with adequate training in domestic violence and create and enforce codes of conduct on best practices in responding to victims.

⁹³ Supra 66, p.54

17. Ensure police protection without cost to service providers working with domestic violence victims in shelters.
18. Compile reliable and accurate statistics disaggregated by gender and indicating the family relationship of victim/s and perpetrator/s on reports, and investigations and prosecutions of violence against women in the family across Armenia, and make these statistics available to the public.
19. Ensure that judges, prosecutors, police, social workers, and the staff under the Ministry of Labour and Social Affairs, the Ministry of Justice, and Police Department for juvenile rights and combating domestic violence are provided with adequate training in domestic violence and create and enforce codes of conduct on best practices in responding to victims.
20. Adopt a minimum standards framework based on equality and human rights principles for all state agencies and NGOs working on violence against women and girls.
21. Ensure that all women who have been subjected to violence are provided with access to full redress and reparation, including compensation and psycho-social and medical rehabilitation.
22. Ensure sufficient public information and points of access for women to report domestic violence, such as a national 24-hour free hotline covering all regions of Armenia and staffed by sufficiently trained personnel, including legal experts and psychologists. Ensure there are brochures and posters disseminated at hospitals, primary health care centers and courts, as well as websites.
23. Ensure the provision and availability of adequate and safe housing for victims of domestic violence and their children for both short-term and long-term needs.
24. Promptly allocate secure, long-term government funding, or actively seek donor funding, to ensure that a sufficient number of appropriate shelters are set up across the country in collaboration with NGOs experienced in working to protect women from violence.
25. Cooperate with and publicly support the work of women's NGOs on violence in the family and community, using their insight and experience in planning and implementing joint projects for the prevention of violence against women in the family and the protection of victims.
26. Establish supervised visitation locations to ensure the safety of victims of domestic violence and their children.
27. Fund and implement outreach and educational campaigns to address the underlying social and cultural attitudes that discriminate against women and that facilitate and perpetuate violence against them. These campaigns should promote zero tolerance of violence against women, remove the stigma from women victims of violence, and encourage victims to seek redress. The campaigns should include community leaders, municipal politicians, the media and civil society, and could take place in schools, adult education facilities, citizens' forums, workplaces, through web pages, open lectures and debates.
28. Raise public awareness across Armenia through mass media, public education campaigns, and in schools that gender-based violence is a human rights violation, and a crime which will be effectively sanctioned, whether committed by a state agent or a private individual.

29. Ensure coordinated awareness-raising for prevention of gender-based violence, including with schools, the media, and NGOs.

Lesbian and transgender women

30. Take appropriate measures to prevent and properly prosecute hate motivated incidents against lesbian and bisexual women.
31. Adopt standalone legislation that will prevent and prohibit discrimination and define civil, administrative and criminal responsibilities that will ensure individuals' protection from discrimination on the grounds of sexual orientation and gender identity.
32. Review and amend the legislation on hate motivated incidents, including hate speech and hate motivated crimes, define the concept of hate speech and hate crime in national legislation and ensure that incidents motivated by an individual's sexual orientation and/or gender identity are adequately addressed.

Article 6. Prostitution

Women who are involved in prostitution are among the most vulnerable in society. There are numerous factors that make female sex workers more vulnerable and prone to human rights abuses, such as physical and psychological violence, loss of physical integrity, breach of confidentiality, interference with the private life, discrimination, etc. The above-mentioned factors are often influenced by state attitudes and policy issues, legislative and regulatory issues, a lack of human rights reporting, and little public awareness and education.

Sex work is illegal in the Republic of Armenia. Article 179¹ of the RA Code of Administrative Infringements stipulates administrative responsibility in the amount of fine of twenty or forty fold of minimum salary for a sex worker⁹⁴, which contributes to more vulnerability of sex workers. There is no state policy to comprehensively address the issue of prostitution in Armenia. State authorities act based on the discretion granted to law enforcement bodies to punish women involved in prostitution.

While the relevant article of the RA Code of Administrative Infringements stipulates legal responsibility for being a prostitute in general, this legally neutral norm is applied exclusively to women, i.e. only women are held legally responsible for prostitution and are obliged to pay a fine accordingly. Because this disproportionately affects the social and economic status of women only, it perpetuates stereotypes of immorality and discrimination against women. PINK Armenia NGO has received numerous reports on violations of human dignity of women sex workers, including but not limited to deprivation of liberty, discriminatory treatment, verbal insults, etc. (ANNEX 1.Case 7)

The RA Police is the State body mandated to fine women for sex work, and in many occasions this contact results in negative consequences for women. Additionally, because the national legislation stipulates compulsory testing for infectious diseases among women involved in sex work. As such, the RA "Law on Police"⁹⁵ states the right and responsibility of police officers to "bring persons suffering from infectious diseases to medical institutions in order to prevent the spread of infectious diseases". It presumes that police officers have the right and responsibility to target sex workers who they deem are spreading infectious diseases in society, resulting in adverse consequences for women involved in sex work. Thus, the discretionary power granted to law enforcement institutions has directly contributed to the greater vulnerability of women involved in sex work.

⁹⁴ Article 1791 of RA Code of Administrative Infringements, dated 06.12.1985

⁹⁵ Article 22, paragraph 3, RA "Law on Police", dated 16.04.2001

Trafficking in human beings

There is lack of information in State party report in relation to concerns raised by the Committee in points 24 and 25 of Concluding observations regarding "measures to address the main causes of trafficking such as economic hardship and prevalence of the stereotypical gender roles and gender inequality". Regardless of the fact that the Government continuously taking actions to combat human trafficking, the root causes of this phenomenon are still not addressed. Unemployment, social and economic hardships (particularly in rural areas) and gender inequality remaining leading causes of trafficking and exploitation, particularly of women who face challenges finding economic opportunities in Armenia and subsequently fall prey to the false promises of traffickers.⁹⁶ Armenia is a source and, to a lesser extent, destination country for women, and children subjected to sex and labor trafficking. Armenian women and children are subjected to sex and labor trafficking within the country as well as sex trafficking in United Arab Emirates (UAE) and Turkey. Armenian women and children are also vulnerable to forced begging domestically⁹⁷.

According to information from NGOs, women identified as victims of trafficking are mainly from socially vulnerable families, unemployed, single mothers, graduates from orphanages or boarding schools, commercial sex workers, and victims of domestic violence. Social reintegration of those women is very complex and a long-term process that includes not only medical and psychological rehabilitation and legal redress but also addressing root causes including provision of dignified employment, housing, social inclusion and acceptance. Victims of trafficking are still not among groups eligible for housing, while about many of them are in need of it. Even if those women are eligible to get social allowances those amounts are so scarce to cover minimal living needs, especially those with children. Although victims of trafficking have been included in the list of priority groups under the Law on Social Protection in Case of Unemployment, employment is a big problem when taking into consideration the limited labor market opportunities and existing stigma.

Mass media and television in particular play a significant role in raising awareness on trafficking in Armenia. Dissemination of awareness-raising programmes on trafficking by television is difficult due to the high cost of broadcasting time.⁹⁸ Beyond this, the various projects and efforts of state and non-state partners aimed at improving the professional ethics of journalists has not resulted in a change in practices, as derogative and sexual context on trafficking continues to be shared, reinforcing existing stigma and "victim blaming" practices.

Recommendations:

1. Review and amend policies and legislation regulating sex work in the Republic of Armenia while considering the vulnerability of women involved in sex work and the special protection needed thereof.
2. Ensure that the legislation regulating sex work is not discriminatory, does not disproportionately affect women, and does not perpetuate gender stereotypes about the role of women in sex work.
3. Development of social and economic initiatives aimed at the empowerment of women specifically those who are vulnerable to trafficking.
4. Include victims of trafficking as a social category eligible for inclusion in social housing programs.
5. Expand awareness raising activities aimed at decreasing stigma of women who are victims of sexual exploitation through television as the most accessible and popular source of information, especially in rural areas.

⁹⁶Counter-Trafficking Response in the RA. IOM 2016

⁹⁷TIP report 2016. Department of State. <https://www.state.gov/documents/organization/258876.pdf>

⁹⁸G R E T A Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. First evaluation round. 2012

Article 7. Political and Public Life

According to official data, women comprise 52.2% of the population in Armenia. They are more active in the educational sphere while their participation in political life and in decision making sphere stays unprecedentedly low. Currently, in convocation of the National Assembly there are 13 women politicians out of 131 MPs (10% of available seats). It is notable that in 2012, during the elections of National Assembly, 22.8% of those nominated were women, as stipulated by the Electoral Code. However, many declined their nominations and their positions were taken over by men next on the list. Women's participation in Council of Elders is also low. In 2013 as a result of the elections, 10 women out of 65 members (15.4%) were accepted to the Council of Elders of Yerevan and 534 women out of 6,164 members (8.6%) at the country level. The situation in the government is not inspiring either. Only 3 of 18 ministers are women. The Republic of Armenia did not have any woman regional mayors or governors and no female representation in the Council of Elders in any big cities.. Women's participation in the Village Councils is just 9%. This means that only 1 one person out of 10 members of the Village Council is a woman.⁹⁹

In the last 20 years of Armenia's history, there has not been a woman regional mayor or deputy mayor. Over the last 18 years, the mayor of Yerevan has not had a woman deputy. Women lead only 17 rural communities out of 866 and they make up 9.2% of total number of the members of both urban and rural Council of Elders. Over the last 2 years, the Constitution and Electoral Code of RA changed. However, from the perspective of women's participation and activeness there has been no change. Moreover, the Venice Commission of the Council of Europe and a number of international and local institutions suggested to increase the proportional representation of men and women to 70/30; however, the new quota system will not be instated until 2022.

- Several barriers prevent women's active participation in political life, including rooted stereotypes about women's role in society; serious flaws in the political system; the absence of transparency and equal opportunities; women's participation in state administration bodies as a mere formality when in fact they are deprived of the opportunity of having any impact on policy making; ineffectiveness of state events that are aimed at increasing women's participation in elective posts; and the lack of necessary financial and political resources.

Based on the above-mentioned, it can be concluded that the events organized by the Government were just a formality, aimed at satisfying international organizations due to international obligations. Though the RA Electoral Code stipulates that representatives of the same sex in the voter list cannot be more than 80%, the quota factually does not ensure women's participation in the National Assembly or Council of Elders in the event that a party wins. This is because it refers only to the voter list and not to the numeric part of elected deputies. The 2011-2015 Strategic Plan on Gender Policy adopted by the government is not being effectively implemented either. Though it includes 53 different events that are aimed at ensuring equality between men and women in diverse spheres, the organized events did not gender equality.

International organizations work with both the Government and local NGOs by allocating financial, technical support and their expertise. Taking into account the Government's lack of a systematic and comprehensive approach to increase women's role in politics, this work is mainly carried out by NGOs.

As a result:

⁹⁹Strengthening Women's Political Participation in the Republic of Armenia: Existing Efforts, Challenges & Opportunities <http://www.yasu.am/files/Anna%20Melikyan%20and%20Irina%20Ghaplanyan.pdf>

- The current gender quota system is not effective at all. Women's participation in political life continues to remain lower than the 30% promised by RA authorities.
- In RA there is a strong resistance against women's active participation in political life. This is being reflected both in the announcements of politicians and through media and through the stereotypes common in the society. Often culture and traditions promoted by politicians themselves and the media are used to underline women's role and place in the Armenian society. Stereotypes and prejudices are obstacles for starting political life or occupying higher positions.
- Big political parties thought of as elite continue to work in a non-transparent manner and exclude women. Moreover, women who are financially unsupported do not have the opportunity to be involved in politics.¹⁰⁰
- The Government's Gender Strategic Plan does not include applicable mechanisms that can be visible and evaluated by the public. In general, the public is not aware of the events and their results that are organized by the Government.
- In the RA a unified and comprehensive agenda on promoting women's issues is absent, thwarting the ability of women in Armenia to come forth as a unified force and influence policy.
- In the RA regions all the successful events that resulted in women being elected for diverse posts have been carried out by NGOs and international organizations. However, dependence on donors' financial support makes the local NGOs quite vulnerable. They are often blamed for misusing grants and promoting "Western" values, which the Government uses to implement its political goals.¹⁰¹

Recommendations:

It is necessary to unify the efforts of the Government, international and non-governmental organizations in order to:

1. Voice clear and proper messages on gender policy through the media.
2. Raise public awareness on the adopted laws and events carried out by Government and measure their results.
3. Make changes in RA Electoral Code to ensure that in proportional election lists to National Assembly representation of one gender in the party list cannot exceed 70%. The quota system is properly adhered to and that female candidates take the place of elected females in case of their refusal.

Article 10. Education

The government report generally addresses the participation of men and women in secondary schools and higher professional levels of educational system. A number of statistical data are included in the report. However, the data either partially present the cause and effect relationship of gender issues in the educational system or do not present it at all. This system allows assuming that while writing the report, the studies and the accomplished works that actually address a number of unanswered questions, have not almost been taken into account. For example, according

¹⁰⁰Political Participation of Women in the Elections for the Local Territorial Administration Bodies: Problems and Perspectives http://www.yasu.am/files/Hasmik_Shapaghatyan_Final_Report%20eng.pdf

¹⁰¹Deciphering women in Armenian political discourse http://www.yasu.am/files/Summary_deciphering%20women-Ruzanna%20Tsaturyan.pdf

to the results of “Gender Barometer Armenia” research carried out in 2014, the respondents think that it is “very important” to get an education both for women (64.9%) and for men (69.9%)¹⁰².

Women's access to sports and physical education, scholarships and other educational opportunities and the events for career orientation are absent from the State report.

The State party report (para 67) reports that secondary general education in RA is free of charge and is mandatory until 9th grade. After this, the situation that the age of those school children who are left out from the school is 15-16 and the reasons for being left out such as “poor social and economic conditions” and “the absence of wish” are described.

It should be noted that there are more boys who are left out from secondary general schools than girls. However, men have more opportunities to occupy higher positions in the labor market and receive higher salaries as compared with women.

The Healthy Lifestyle course, which covers topics in general health and sexual health became a mandatory course taught to 8th-11th grade students at public schools in 2009. However, there are numerous issues with the course and the way it is taught: 1) physical education teachers who are mandated to teach the course do not have the appropriate knowledge or skill set, nor are they adequately incentivized to teach the subject matter as they are not sufficiently trained and exhibit prejudices and resentment about teaching the course; 2) there are many topics covered in a 14-hour period, thus not allowing sufficient time for students to learn about related issues; 3) there is no textbook or material given out to educate students and research has found that teachers do not follow the curriculum; 4) the course is not graded and students are not incentivized to take it seriously; and 5) there is no monitoring and evaluation to measure how much students have gained from the course¹⁰³. An overhaul of the Healthy Lifestyles course is necessary to improve sexual education, including education on GBV, which is absolutely vital.

According to State parties report (para67), in the 8-11th grades of secondary educational system “Healthy Lifestyle” course is being taught in Armenia and the teachers who teach this subject matter have “received the relevant training” and hence are qualified. According to the report, the subject matter gives an opportunity to raise consciousness about healthy lifestyle and to prepare school children for “family life”. In essence, the judgement about preparing schoolchildren for “family life” makes to assume that while teaching the subject matter sex life and sexual health are touched upon as healthy lifestyle cannot only refer to family life – it includes not only physical but also several aspects of psychological health too. It also includes self-determination and forming one’s own attitude towards what healthy life is. It is interesting that teachers’ trainings on this subject matter are viewed as positive because several studies and specifically results of research on the clarification of gender attitudes carried out in 2013 among the students of Yerevan State University (YSU) shows that students of YSU (both men and women) consider family to be an important institution and women’s main role is the role of a housewife.

The studies show that teachers usually transfer (or often impose) gender stereotypes and besides

¹⁰² Հայաստանի զենդերային բարոմետր, Գենդերային հետազոտությունների և առաջնորդության կենտրոն, Երևան, 2015թ.

Gender barometer Armenia, Center for Gender and Leadership Studies, Yerevan, 2015

<http://www.y-su.am/files/%20%D5%A3%D5%A5%D5%B6%D5%A4%D5%A5%D6%80%D5%A1%D5%B5%D5%AB%D5%B6%20%D5%A2%D5%A1%D6%80%D5%B8%D5%B4%D5%A5%D5%BF%D6%80.%D5%B0%D5%A1%D5%B5%D5%A5%D6%80%D5%A5%D5%B6.pdf>

¹⁰³ Women’s Resource Center, 2013, Analysis of reproductive health education in RA schools.

this, the textbooks of elementary schools also include descriptions of stereotypical roles of men and women¹⁰⁴. In the frame of healthy lifestyle especially from the perspective of sexuality, sexual life and sex determination, it is notable that the results of the same research show that 90% masculine and 84% feminine students agree that “girl should stay a virgin before she gets married”.

In the State parties report (para68) there are such judgments according to which the number of female representatives in schools has raised during the last years. However, a number of studies show that because of the annual increase of sex-selective abortions, the masculine school children prevail in 1st and 2nd grades.

As mentioned in para 69 of the State parties report there is no gender discrimination in any level of educational system in Armenia. Indeed, annual reports of international organizations show that in Armenia gender equality exists for enrollment ratio in elementary or higher educational. The only essential deviation is recorded when obtaining qualification for middle professional and technical and professional educations.

Enrolment ratio also shows that girls study at educational institutions longer up to obtaining postgraduate education, when boys usually get middle professional education after general education. However, women’s higher educational achievements do not provide them with equal benefits and advantages in the labour market¹⁰⁵.

According to the law of RA “On higher education”, management positions at higher education institutions is filled on a competitive basis in which both men and women participate equally. However, the number of women in managing higher educational institutions and scientific councils is the lowest. This is because the staff of the administrative bodies of higher educational institutions is formed officially (in case of the governing board, the staff members are selected from individuals with state position, while in case of scientific councils, staff members are selected among the directors of separate divisions of higher educational institutions) and in the above mentioned positions the number of men significantly prevails the number of women. This regulated process is limiting women’s equal presence in the above mentioned bodies. According to the regulations in the councils of higher educational institutions, 25% of individuals should be selected among the professors of the higher educational institution. Assumedly, those candidates should have higher academic degree. In this case the participation of women is again limited because the proportion of women who have the degree of doctor/professor is lower than men.¹⁰⁶

The report positively presents the fact that based on RA Gender Policy Strategic Action Plan 2011-2015 much work has been carried out in the educational sphere. In 2012 the “Basics of gender-related knowledge” course was added to the Social Sciences subject. However, research show that in the textbook there are materials that contain gender stereotypes¹⁰⁷. None of the Social Sciences textbooks that are used in the 8-12th grades explains gender as a social concept, moreover terms “gender”, “gender equality”, “gender discrimination”, “gender stereotypes”, “gender-based violence”, etc. are not used and explained¹⁰⁸.

¹⁰⁴ Armenia Country Gender Assessment, July 2015, <http://www.adb.org/sites/default/files/institutional-document/162152/arm-country-gender-assessment.pdf>

¹⁰⁵ Armenia Country Gender Assessment, July 2015, <http://www.adb.org/sites/default/files/institutional-document/162152/arm-country-gender-assessment.pdf>

¹⁰⁶Khachatryan N., Grigoryan N., Serobyanyan A., Promotion or prevention? Socio-cultural factors in women’s academic career building in the higher education system in Armenia, Center for Gender and Leadership Studies, Yerevan, 2015, <http://www.yasu.am/files/Narine%20Khachatryan%20ARM%20.pdf>

¹⁰⁷ Integration of Gender Component into Social Science Subject: recommendation package, Society without Violence NGO, Yerevan, 2014. <http://www.swv.am/attachments/article/447/Recommendation%20package%20-%20ENGLISH.pdf>

¹⁰⁸ Ibid.

Recommendations:

1. Gender attitude studies should be conducted in secondary general and higher educational institutions. These studies should be not only on raising consciousness about gender issues among school children but also among teachers because they are considered to be the primary source for educating every new generation.
2. Subjects related to “healthy lifestyle”, “social sciences” and “tolerance” should be taught by trained professionals and/or should be subjected to regular monitoring and evaluation by gender specialists.
3. Not only various researches but also relevant trainings should be carried out in partnership with the government for administrative and academic staff both of secondary general and higher educational institutions. During those trainings teachers, lecturers, personnel of administrative departments of educational institutions, as well as education policy-makers should obtain fundamental knowledge about gender issues. As a result, educational institutions can state that they are working to increase gender sensitivity.
4. To maintain and promote gender sensitivity in higher educational institutions, a module on basic knowledge of gender issues should be included in the list of mandatory trainings for administrative and academic staff.

Article 11. Employment

Despite the fact that the State report is silent about the impact of gender stereotypes and prejudices on women’s access to the labour market, in Armenia this is a very urgent issue. Society does not perceive women as someone who can be active and successful in different sectors of public life. Existing model of “Armenian family” where the whole burden of childcare and household duties is put on women severely limits women’s employment opportunities. Women at the workplace are often judged by their appearance over their professional abilities. Vacancy announcements widely use discriminatory requirements of being “young and attractive” and of age from 20/25-40 as criteria for hiring women. Unemployed women who are older than 40 have little chance of finding jobs appropriate to their education or skills¹⁰⁹.

Gender bias in employment (measured in terms of number of jobs assumed by men and women), in favor of men, is observed in all types of production units, regardless of the nature of employment. The rate of economic activity for women is lower than compared to that of men: about 55% vs. 72%, and this proportion has remained almost unchanged over the last decade. The real unemployment rate has been especially high among youths; it is higher than the average national unemployment rate by around 2.5 times (35% vs. 16%). More young girls than boys are neither in school/university nor employed. In 2013, as over the last decade, almost 37% of individuals aged 15-24 and 40% of those aged 25-29 were neither in school/university nor employed. The same indicators for young girls were 40% and 59% respectively.¹¹⁰

Women with higher education have higher rates of unemployment than men with similar levels of education (20% compared to 13% of men in 2013). At the same time, it is noteworthy that the

¹⁰⁹ See, U.S. Department of State, Country Reports on Human Rights Practices for 2015: Armenia, p 42. Available online at// <http://www.state.gov/documents/organization/253031.pdf>

¹¹⁰ MDG National Progress Report Armenia 2015. http://www.un.am/up/library/MDG%20NPR_15_eng.pdf

proportion of women participating in state-funded active labor market programs is twice as high when compared to that of men.^{111,112}

The discrepancies are wider in informal enterprises and households, compared to those in formal enterprises. The overall percentage of male jobs in the formal enterprises reached 55.7%, only 11.4 percentage points higher than the female jobs. On the other hand, the gap recorded in the informal enterprises and households are 56.2 and 49.0 percentage points, respectively.¹¹³

Female-headed households are more likely to live in poverty than male-headed ones. In 2013, according to ILCS data, 36.4% of female-headed households lived in poverty, an increase of six percentage points since 2008. If female-headed households have children, the probability of being poor is higher by 14 percentage points. At the same time, there is no difference in poverty incidence among men and women.

Despite the considerable reduction of wage inequality since 2000, in 2013, in general, women still earned about 34% less than men. Wage inequality was the highest in the mining and quarrying sector (- 50%), and lowest in the arts, entertainment, recreation, food and beverage, hospitality, and agriculture sectors. Wage differences in manufacturing, financial and insurance activities were 40%, while in public administration, defense and health sectors this figure stood at - 30%.¹¹⁴ The young male employee earned, on average, more than one-and-a-half times that of the female employee. The gender wage gap is even larger among self-employed youth. The male own-account worker earned approximately three times the earnings of the female own-account worker.¹¹⁵

Recommendations:

1. Undertake awareness-raising and education campaigns with the use of *inter alia* social advertisements aimed at women's empowerment through breaking the prejudice about women's place being confined within the family only, encouraging women's involvement in all sectors of labour market and combating stereotypes regarding feminine and masculine types of work and activities.
2. Adopt an Anti-Discrimination Law which will recognize age, social status and physical appearance as prohibited grounds of discrimination and ensure that no woman is deprived of an opportunity to get a job because of discrimination on the grounds mentioned above.

Article 12. Health

Sex Selective Abortion

Currently, Armenia has the third highest level of birth masculinity observed in the world with the Gegharkunik region in particular having the highest known rates as roughly 124 males are born per 100 females¹¹⁶. Sex-selective abortion is often perceived as normal in Armenian society and many

¹¹¹ Ibid

¹¹² With elimination of unemployment benefits in 2014 the Government initiated almost 12 types of employment and labor market competitiveness promoting programs with a GoA resolution of 2014.

¹¹³ Informal Employment and Employment in the Informal Economy. Country report 2010./Asian Development Bank, National Statistical Service of the Republic of Armenia

¹¹⁴ MDG National Progress Report Armenia 2015. http://www.un.am/up/library/MDG%20NPR_15_eng.pdf

¹¹⁵ Labour market transitions of young women and men in Armenia. Nicolas Serrière. Work4Youth Publication Series No. 21/ILO 2014

¹¹⁶Guilmoto, 2013, "Sex Imbalances at Birth in Armenia: Demographic Evidence and Analysis", pg 53.

view the phenomenon as preserving tradition¹¹⁷. Numerous studies have provided evidence that women possess low decision-making power in this regard and are pressured by their husbands and mothers-in-law to abort female fetuses, which is linked to wider social norms that seek to control women's personal decisions about their bodies and sexuality and a prescribed higher relative value of male children¹¹⁸.

HIV/AIDS

Prevalence of HIV/AIDS in Armenia is increasing at an alarming rate. The majority of the HIV carriers in Armenia (54%) belong to the age group of 20-39. While almost half of all the HIV-infected males are intravenous drug users, the main transmission mode for women is heterosexual contact (97%).¹¹⁹ The epidemic is very much connected with male's labor migration to Russia (75% of registered HIV cases).¹²⁰ The inability of women to negotiate safe sex as well as lack of knowledge about the HIV epidemic makes women vulnerable to HIV infection. Women often prefer not to raise the issue to avoid stigma in the community. According to NGOs there are cases when women infected by their husbands were psychologically and physically abused by family members, especially by husband's families, when they became aware on their HIV status.

Article 123 of the Republic of Armenia Criminal Code stipulates liability for infecting someone with HIV. According to the Law, exposing a person to the obvious danger of infection with the HIV is punished with different sanctions according to the specific situation. However, no cases of criminal liability for transmission of HIV have been reported, including in the case of HIV-infected mothers.

Though Armenian legislation has improved substantially in terms of stigma and discrimination, and a training course has been introduced for healthcare personnel with the goal of eliminating HIV-related stigma and discrimination by healthcare workers¹²¹, in practice there are still many cases of stigmatizing attitudes toward PLWHIV among health personnel in rural areas of Armenia. There are certain cases, when women were discriminated in health facilities by doctors and even have been rejected for health services.¹²²

According to NGOs in some cases, HIV positive women did not apply for services at their regional health centers because of fear of stigma and chose to access health services at the National AIDS Center, where stigma and discrimination do not present an issue. Furthermore, it was reported that due to the same reason – fear of stigma – HIV positive mothers did not access local maternal facilities to get free milk formulas for their babies, also in those cases when they could not afford to buy it.

Article 14. Rural Women

Economic activities of women underwent a significant shift after the collapse of Soviet Union and formation of new Republic of Armenia, which brought new roles and new responsibilities especially

¹¹⁷Jilozian and Agadjanian, 2016, Is Induced Abortion Really Declining in Armenia?, *Studies in Family Planning*, 42(2):163-178.

¹¹⁸Jilozian and Agadjanian, 2016, Is Induced Abortion Really Declining in Armenia?, *Studies in Family Planning*, 42(2):163-178.

¹¹⁹Statistics provided by National Center for AIDS Prevention. http://www.arm aids.am/statistics/2016/august_stat.html

¹²⁰<http://med.news.am/arm/news/4260/2014-tvakanin-hayastanum-grancvel-e-miav-varaki-1924-depq.html> Accessed: 20/08/2016

¹²¹<http://ecdc.europa.eu/en/publications/Publications/dublin-declaration-monitoring-report-stigma-discrimination-september-2013.pdf>

¹²²Ombudsman Annual Report 2014, Armenia, page 392-393

to rural women. The institutional shift which changed women's role from a paid worker to an unpaid housewife, became a new start and was a result of a number of the following:¹²³

1. Conflict over Nagorno Karabakh
2. Earthquake of 1988
3. Land privatization
4. Migration
5. Deficiency of corresponding infrastructures

These events had a powerful effect especially on the lives of rural women. Women's participation in agriculture drastically increased at the beginning of 1990's, as a number of research studies suggest, when the main infrastructure guaranteeing women's employment in factories and industrial units were destroyed. This not only left families to rely only on their land property as a financial income means but left employable women out of the political, social and economic sphere. As a result, women's participation as breadwinner in families is no longer appreciated and is in the list of "must be done" activities.¹²⁴

Nowadays, in rural areas women are equally responsible for the economic stability of the family, composing 45.7% of working women in Republic of Armenia.¹²⁵ Though the national report address to the women involved in the agricultural activities and describes the efforts taken by the government to address women's participation issues and empower their inclusion in agricultural activities, there are still no tangible results.

There is an increasing number of poor women in rural areas and, as a result, fewer who own property. In rural areas the educational level of women is much lower than that is in towns and cities. This in turn affects women's quality of life and makes them not only financially vulnerable but also paves the way for increasing poverty level. In addition to this, the lack of needed infrastructures in form of workplaces keeps women in poverty.

Healthcare

In 2009 the UN CEDAW committee recommendations mentioned that relevant actions are required to ensure the availability for healthcare services as well as toward expansion of reproductive health and family planning services for rural women.¹²⁶ The Ombudsman's annual report remarks that full availability of healthcare services for rural women and women in regions was not provided in 2014. Women did not have the opportunity for proper medical diagnostics and treatment because of the lack of local conditions. Many of them were not able to access health facilities in the capital or other cities. In 2014 in a speech the minister of the healthcare confirmed that health facilities in regions are lacking logistical and human resources.¹²⁷

Domestic violence

Given various reports from survivors and members of the Coalition to Stop Violence Against Women, the situation in rural areas is quite acute. There is a lack of information and shelters in the regions and the fact that residents know each other and are related to people in the police

¹²³<http://www.y-su.am/files/Brief-Mkh.%20Gabrielyan.pdf>

¹²⁴<http://ysu.am/files/%20-%20%D5%80%D5%B8%D5%B2%D5%AB%20%D5%BE%D6%80%D5%A1%20%D5%A1%D5%B7%D5%AD%D5%A1%D5%BF%D5%B8%D5%B2%20%D5%AF%D5%AB%D5%B6%D5%A8.pdf>

¹²⁵http://www.armstat.am/file/article/rep_ashx_09a_1.pdf

¹²⁶<http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=52dd05364> Accessed: 20/08/2016

¹²⁷Ombudsman Annual Report 2014, Armenia, page 392

system or village administration office creates a closed environment from which it is difficult to escape. Of known femicide cases from 2010-2015, 63% took place in rural environments¹²⁸.

Vulnerable groups

The rural women of special groups such as aging women, women with disabilities, single mothers and women in conflict zones bordering Azerbaijan continue stay more deprived of healthcare services.

The UN SCR 1325 Armenian Civil Society Monitoring Report 2014 reveals, that women in conflict border villages continue to stay very vulnerable physically and psychologically. Diabetes, gynecological problems, breast and cervical cancer and mental health issues are common health problems because of both a lack of healthcare availability and stress caused by shootings at the border.¹²⁹

General systemic concern is related to the fact that in border regions outpatient clinics and nurses are being financed by the same principle as in heavily populated regions of the country (per capita). Thus, in the regions where emigration rate is very high, and the population scarce medical staff cannot get adequate payment and enough financing to provide quality services to the population. In certain cases, they do not complete medical treatment because medicines are too expensive or are not available in local pharmacies.¹³⁰

Health care services and state social support are hardly accessible or affordable for elderly women of rural communities. Elderly women of rural communities prefer to avoid any occasions or necessity of applying to the state social or health care services especially to those which are located out of their communities⁴. Elderly women in rural communities prefer to solve their social and health problems mostly with the assistance of non-formal social support networks, which is still stronger in rural than in urban communities of Armenia.⁵ Rural communities with their style of life and functioning are not convenient to the needs and capacities of elderly people. This problem is much more severe for those elder women who live alone. They are not able to live in rural communities if they don't get support from their relatives or neighbors.¹³¹

It is worthwhile to highlight that especially in rural communities due to migration of young families from villages to cities and abroad the number of elderly people living alone has increased. This significantly refers to the border villages where families migrate not only because of social-economic problems but for conflicts, which affect the direct life of people. This not only makes elderly women vulnerable psychologically but also physically, due to their inability to apply for proper social and health care services.

Workforce and economy

60% of people working in agriculture are women, and they often face discrimination. The production resources such as the land, workforce, credits, capital and the control of these resources are not fully available for women. Although, there is no discrimination in the right of ownership in Armenian legislation, agricultural economies (according to Armenian legislation each unit of rural household that produces agricultural goods) are controlled by the head of the

¹²⁸Coalition to Stop Violence Against Women, 2016, Femicide in Armenia: A Silent Epidemic.

¹²⁹ UN SCR 1325 Armenian Civil Society Monitoring Report 2014, page 18

¹³⁰ UN SCR 1325 Armenian Civil Society Monitoring Report 2014, page 18

¹³¹ Gender Aspects of Aging in Rural Armenia: Health and Well-being of Elderly Women in Rural Communities of Armenia, YevgineVardanyan, YSU Center for Gender and Leadership Studies, Yerevan 2015; Available on: <http://www.y-su.am/files/Yevgine%20Vardanyan%20-%20research%20report.pdf>

household.¹³² According to statistics in 2014 the proportion of the heads of households by their gender is 27% women and 73% men¹³³. So in the 73% of rural economies all the production resources are controlled by men. It is practical to register the production resources and capital after the heads name, to control easily, so in the case of crediting those who have certain ownership are considered to be solvent by the banks. Those families are women are heads of the households in average have 43% less income than those where men are heads.¹³⁴ Moreover, women in agriculture often do physically heavy work that may harm their health irrevocably. Women in rural areas often work in non-formal sector of economy and meet such difficulties as low and non-stable income, large expenses, bad and unsafe working conditions, long working days, low legal protection etc.¹³⁵

In the case of border rural communities – especially along the contact line— due to the escalation observed in the second half of 2014, women became even more loaded with work as most of the male population left the country to work abroad (labour migration), so women have to not only feed their families but also ensure security of children and the elderly during cross-border shootings.¹³⁶

Recommendations:

1. Set up relevant effective mechanisms for provision of affordable medical services and medications to women residing border regions and other rural areas.
2. Create special tools for social protection of vulnerable groups in rural areas: single mothers, women with disabilities and women who care for disabled people, women in border villages.
3. Create special tools to protect all rights and implement recommendations of CEDAW Committee on Armenia in border regions.
4. Set up efficient mechanisms to protect the rights of the mothers of the soldiers killed in combat and non-combat situations, as well as of the groups with special needs, ensuring full access to the relevant state benefits.
5. Create job opportunities for women in border regions.
6. Develop rural women's capacities for playing major roles in decision-making processes and local administrations.
7. Set up affirmative measures for women crediting, so that they are controlled and used by women.

Article 15. Law

Recent amendments to the Criminal Code have improved the regulation of sexual violence. In 2013, Parliament passed necessary amendments to Articles 138-142 of the RA Criminal Code on Sexual

¹³² RA Law on Rural and Collective Rural Economies, article 2, Available on; <http://www.parliament.am/legislation.php?sel=show&ID=2035&lang=arm>

¹³³ Women and Men in Armenia 2015, p. 62, Available on; <http://www.armstat.am/am/?nid=81&id=1702>

¹³⁴ Women and Men in Armenia 2015, p. 63, Available on; <http://www.armstat.am/am/?nid=81&id=1702>

¹³⁵ Ombudsman Annual Report 2014, Armenia, page 394

¹³⁶ UN SCR 1325 Armenian Civil Society Monitoring Report 2014, page15

Violence initiated by Sexual Assault Crisis Center NGO. Specifically, certain indicators were added such that specific sexual violations constituted serious crimes, especially in the case of sexual crimes perpetrated against minors, and the subsequent punishment for perpetrators was made more stringent¹³⁷. The cases of sexual violence are investigated as all other criminal cases. There are no specific regulations with the accent on gender sensitivity.

Despite these amendments, however, there is still no provision on marital rape. As such, cases of sexual gender-based violence are investigated as all other criminal cases, with no accent on gender sensitivity or the dynamics of domestic violence, thus perpetuating historical gender discrimination¹³⁸. Victims are also commonly blamed for the assault or convicted of falsely reporting a crime¹³⁹. As a result, victims will not report assaults out of fear of being criminally prosecuted themselves. The cases of sexual violence are investigated as all other criminal cases. There are no specific regulations with the accent on gender sensitivity.

In cases of sexual violence, there is a huge problem with the gender sensitivity of the police officers. Victim blaming and accusation in false denunciation (as a criminal offence) is a common practice. According to Sexual Assault Crisis Centre NGO data, in 2014, 2015 and 2016 there were 58 sexual assault cases, only in 40% the cases the victims agreed to report to the police.¹⁴⁰ In the rest of the cases they rejected to apply to official bodies for the protection because of the lack of trust. In cases with women victims of sexual assault the majority of cases are being terminated in the stage of investigation due to the lack of evidences. And very often victims have to pay fine as a measure of criminal responsibility for false denunciation.

As recognized by the Committee, measures to overcome family violence should include criminal penalties where necessary¹⁴¹. Yet fear of reprisals from abusive partners and lack of protection by the State party are major barriers for women to report cases and take perpetrators to court.

In Armenia, a criminal case is usually only started when the victim makes an official complaint, and thus she is exposed to the risk of reprisals and physical and psychological pressure from the perpetrator,¹⁴² which deters victims from reporting. Yet, criminal proceedings require an official report from the victim herself, creating unnecessary steps to ensuring her safety and leaving her without police protection¹⁴³.

In all cases of assault, the level of injury is established by a forensic expert, and the report is used, in turn, to determine the article under which the crime will be charged. Given that many women with bodily injuries decide at a later time to press charges and many more have wounds that cannot be seen, women often do not or are not able to press charges¹⁴⁴. Photographs and recordings are prohibited from being used as evidence in court proceedings¹⁴⁵. The court only accepts the medical

¹³⁷ Criminal Procedure Code of the Republic of Armenia, amended 2013.

¹³⁸ Interview with women's NGO representatives, June 2016.

¹³⁹ Interview with women's NGO representatives, June 2016.

¹⁴⁰ Sexual Assault Crisis Center, Annual Report, 2014-2015.

¹⁴¹ CEDAW General Recommendation No. 19, Para. 24(r).

¹⁴² Interview with lawyer representing battered women, June 2016.

¹⁴³ Interview with lawyer representing battered women, June 2016.

¹⁴⁴ Interview with lawyer representing battered women, June 2016.

¹⁴⁵ Interview with NGO representative, June 2016.

or hospital reports developed by the forensic medical expert, and anecdotal evidence suggests that judges and forensic doctors take bribes to ensure favorable outcomes¹⁴⁶. For example, the forensic specialist in one murder case initially reported that the marks on the victim's body were indeed cigarette burns, but in another court proceeding he changed his statement and stated that the scars could be from a skin disorder.

Moreover, only victims of domestic violence with visible and severe physical battery scars may have a case in the Court of Justice under the existing Criminal Code. The majority of these cases are charged under the Administrative Code or under the criminal provisions that carry the lightest punishment (specifically Article 109), which minimize the severity of domestic assaults¹⁴⁷. There is no provision to document the types of repeated light injuries common in cases of domestic violence, as forensic regulations also do not provide for documentation of cumulative injuries or multiple light injuries, and levels of injury are described in vague terms, with no examples except in the case of heavy injuries¹⁴⁸. The typical physical injuries sustained by a victim of domestic abuse (cuts, scratches, black eyes, bruises) are almost always classified as light injury or dismissed by forensic experts, and subsequently by investigators and prosecutors determining criminal charges¹⁴⁹. As a result, even if there is a prosecution, criminal responsibility is limited to a monetary fine or, very rarely, arrest up to a maximum of two months¹⁵⁰.

These legal barriers are further exasperated by the fact that most women must wait a long period of time to have their cases considered due to the absence of family courts. Criminal trials and court appearances take over a year until a verdict is made. Each court appearance where the victim is facing the batterer is extremely traumatic for victims.

Recommendations:

1. Pass legislation that specifically criminalizes marital rape and domestic violence.
2. Fund and implement training schemes for doctors, legal actors, and forensic doctors, so that victims of violence against women are treated with sensitivity throughout the legal process, and evidence of violence against women is properly collected, presented and considered.

Article 16. Marriage and Family Life

According to the third paragraph of Article 53 of RA Family Code "In case parents are living separately, place of residence of the child is decided based on the agreement of the parents. In case of the absence of the agreement, the argument between the parents is solved by Court. The Court takes into account the best interests of the child and the child's opinion if s/he has attained the age of 10".

In the RA judicial system, there are no judges specialized in family law and the cases of deciding children's place of residence are examined by General Jurisdiction courts. RA law does not define the priority of examining specific cases either as well as the specific time period of examinations.

¹⁴⁶Interview with lawyer representing battered women, June 2016.

¹⁴⁷Interview with lawyer representing battered women, June 2016.

¹⁴⁸Interview with lawyer representing battered women, June 2016.

¹⁴⁹Interview with lawyer representing battered women, June 2016.

¹⁵⁰Interview with lawyer representing battered women, June 2016.

According to the 4th paragraph of Article 16 of the RA Judicial Code “The preparations of the trial and the trial itself should be carried out in reasonable time frames”. The same provisions also define civil procedure code according to which courts are guided while examining domestic cases.

Taking into account three-tier judicial system of RA and the opportunity to send the case from superior courts to a lower court for a new examination, in average the court case takes from 18 months to 36 months to decide upon the place of residence of the child. During this period of time, there is no temporary body that decides the child’s place of residence. The courts mainly rejects the mediations to provide a visit between the other parent and the child as a means for securing the claim.

It turns into a situation that because of the argument upon deciding the child’s place of residence, s/he stays with the parent from 1-3 years who has more resources and can take care of the child. But in Armenia, as a rule of thumb, custody goes to parents are fathers in these cases. Neither guardianship nor trusteeship body and the police legally can intervene in this procedure. Especially, in case of domestic violence when a woman has to leave the house quickly to save her life and because of it she leaves her child, this gap in the law is often used against the woman. Judges often impose less severe sentences when children are in the picture, wrongly believing that the children should be raised by the parent with financial stability, even if that means living with an abuser.

Despite the legal regulations (legal gap), at the first sight it is of neutral essence. However, in reality the practice of gender-based discrimination is being formed. In RA men have more resources than women. Especially, in case of domestic violence when a woman has to leave the house quickly to save her life and because of it she leaves her child, this gap in the law in a lot of cases is used against the woman. The person who is abusive does not let her visit her child and makes her take her appeal back from the police or go back to him. Otherwise, the woman has to wait for years for the decision of the court while the child during those years is growing up. And sometimes even after receiving the court’s decision, it is not possible to reestablish the contact with the parent.

There are no laws which permit or necessitate the removal of children from unsafe homes, even when there is established danger to their lives. In such cases, the Department of Child Custody may grant custody of a child to the father in cases where he has greater financial resources and better living conditions, ignoring his abusive behavior and even his criminal record. An abusive husband can even pick up child benefits if the mother has left the home. In 2015, the Women’s Support Center NGO documented that roughly 1 in 5 of their beneficiaries’ children continue to live with fathers who are perpetrators of violence and, of these, two thirds are boys¹⁵¹.

Even if the mother is granted custody, such orders may be difficult to enforce. For example, in 2015, a domestic violence survivor was granted custody of her son after taking her former spouse to court. Despite being granted custody, the custody exchange still has not been enforced by the Department of Child Custody and her rights continue to be violated.

Customs around marriage and inheritance also complicate matters in domestic violence cases. Common-law marriage, a union that is not formally recorded with state registries, is a practice that is widespread in Armenia and often imposed by the man’s family¹⁵². Thus, battered women face a number of legal issues, including difficulty in claiming ownership of shared goods and difficulty

¹⁵¹Women’s Support Center database, accessed in June 2016.

¹⁵²Interview with NGO representative, June 2016.

receiving child support or alimony payments¹⁵³. Further complicating matters, though women have the legal right to inherit property, in practice it is uncommon, such that in situations of abuse they are often left with no place to call home¹⁵⁴.

In some cases, court practices disclose information that can put victims at risk of further violence. The judicial system does not provide for the confidentiality of the victim and her protection. In cases of divorce, the woman must give her current address, which interrupts her privacy and can put the victim in danger. The victim and her family must provide information on where the child attends schools and exam schedules are posted publicly in the university, allowing the abuser to easily find the child.

Recommendations:

- Develop and ensure the effective enforcement of legislation that establishes mechanisms to protect victims and their children, including emergency barring and protection orders, and awards custody of children to non-violent parents.
- Amend laws relating to inheritance or property rights, including in cases of common law marriage, to ensure enforcement of women's property and inheritance rights.

¹⁵³Interview with NGO representative, June 2016.

¹⁵⁴Interview with NGO representative, June 2016.

ANNEX 1. CASES

Article 2.

Case 1.

One of the most severe misogynistic verdicts can be considered Diana Nahapetyan's trial: - a woman severely beaten with a vase and violently stabbed 21 times with a knife and murdered by her husband in front of their children. As the court recordings quote "[...] in a debate over the adultery issue [...] with the intent to unlawfully and willfully deprive her life, *[the accused]* beat her with feet and glass vase, then pulled her hair to the kitchen, where intentionally stabbed her by kitchen knives damaging different parts of her body, the left side of her head, head soft tissues of the inner surface of brain membranes, wounding lungs, liver and causing brain diffusion, internal / 3400 ml / massive bleeding [...] resulting in life-threatening injuries and immediate death". By 24.12.2015 verdict¹⁵⁵ of the 1st instance court of RA Ararat and Vayots Dzor regions, her husband got off on a mere 3 years and 6 months in prison after the prosecutor and judge, based on the forensic psychiatric re-assessment (based only on the testimony of the defendant) and regardless of initial assessment results and witnesses' testimonies, insinuated that Diana, who initially presented her as a "nearly ideal woman", but her later regular immoral lifestyle and cheating on her husband, naming him "a cow" and threatening to throw out of home, arose to temporary insanity and accused committed the murder "in the state of sudden affect" due to his jealousy. As the trial took 3 years (although the accused admitted his guilt immediately), he have to serve his sentence in prison for 6 months and by the time of this report he is already released.

Article 5.

Case 2.

In December 2015, a domestic violence victim, her two daughters and women's rights defenders were verbally and physically attacked at the courthouse after attending a court hearing. The perpetrator ran onto their bus and refused to let them leave the premises peacefully. The police outside of the courtroom were mere bystanders and NGO representatives were forced to call on local police assistance, which took 15 minutes to attend to the situation. In the meantime, human rights defenders put themselves at risk to protect the victim from the batterer until the local police intervened, and the victim and her children were further traumatized and forced to endure yet another violent and frightening episode.

Case 3.

On Friday 8 July 2016 T., her mother and father were axed by V. - T's ex-husband. Throughout years V. subjected her to physical and psychological violence, however, the police and the judiciary failed to protect Taguhi and her parents from the violence, stalking and abuse on the hands of V.

On the numerous occasions, T. and her parents reported to the police on the instances of beating and violence. After a while a criminal case was opened in January 2016 and V. was charged under Article 119 of RA Criminal Code for infliction of severe physical pain or severe psychological pain and suffering and should have been imprisoned for the term of 6 months. However disregard the longstanding evidence of violence and the imminent danger for the life and health of T, the judge of the District court of Shengavit of the First instance decided not to apply imprisonment as the form of punishment and subjecting the perpetrator to the conditional punishment under Article 70 of RA

¹⁵⁵Case Number: ԱՎԴ/0043/01/13

Retrieved from: http://datalex.am/?app=AppCaseSearch&case_id=27303072740950183

Criminal Code. As a result V. was set free and continued stalking and harassment in respect of T. and her parents.

T's case represents the "typical" case scenario of the State's failure to protect women from domestic violence and abuse. Inaction of the police and obviously disproportionate sentencing by the court created the atmosphere of impunity for V., motivating him to commit that manslaughter in its gravest form.

Before the incident V. was invited to a talk show where he represented his family situation in a very one side manner provided that neither T. nor her mother were invited to the show. During the show psychologist presented as an expert was showing a clear support towards V. and his actions and all her "expert" opinions were full of victim blaming and misogyny. Once the incident happened, a lot of hate messages towards T. and her mother fluid the social media and news sources and all of them referred to the talk show which served as a source for justification of violence and V.'s conduct.

Despite the numerous training that the police is said to receive, existence of the State strategy on combatting gender-based violence, the RA Law on Social support for the victims of domestic violence, the number of cases of femicide in Armenia is only growing year by year. The negotiations with the government for the adoption of DV law and strengthening the mechanisms of victim and witness protection in the case of gender based violence are going on for a decade now. T's mother-K is the 31ths victim of femicide in the period from 2010 -2015.

Case 4. Battery targeted at two transgender sex workers

Two transgender sex workers were walking near the cruising park area in Yerevan after midnight, when they noticed that five men were following them. Understanding the danger they quickly headed to a more crowded area and entered the nearby hotel named "Congress", so the perpetrators could leave. When they left the hotel in a while, they noticed that they were still being followed. The victims started to run at the direction of General Prosecutor's Office and asked the security at the General Prosecutor's Office to open the door so they can enter. The security personnel ignored the calls of the victims despite the fact that they were watching the five men approaching the victims and starting to beat them heavily. As a result, the victims were heavily physically injured. The police arrived soon and apprehended four of the perpetrators and the victims. The Investigatory department of Central Police of Yerevan initiated a criminal case.

Date, time and location of the incident: 26.08.2015, Yerevan

Victim(s) involved: two transgender sex workers (male to female)

Type of the crime(s): battery, degrading treatment

Perpetrator(s): five unidentified men

Brief description of incident with bias indicators: As it is stated by the victim, the men started to follow them, because it was obvious that they were transgender sex workers, they were wearing female apparels and had make up. Besides, they were standing at the cruising park area in downtown Yerevan, a place known as the main gathering spot of transgender sex workers in Armenia. The victims also added, that there was no other reason the perpetrators could follow them, as they were seeing them for the first time.

Status of the case: The victims took back the complaint in January 2016 stating that they suffered as a result of publicity of the case.

Response of local authorities: As the victims states, the police officers were trying to influence them not to go further with their complaints, trying to negotiate the criminal case.

Case 5. Physical attack on a transgender person in central Yerevan

What happened: Transgender A, while walking in the central area in Yerevan, noticed that she was being followed by three unknown to her men. As trying to escape from contact she changed her

path and appeared in a less lightened street, where the three men attacked him, jostled her clothes while using derogatory statements and verbal insults targeting her gender identity. During the incident the telephone of the victim fell down. The perpetrators took her telephone and ran away. The victim reported the incident to Central police station in Yerevan immediately after the attack, where police officers tried to clarify from her whether she is homosexual or not as if they had the understanding that the incident was bias motivated.

Date, time and location of the incident: July 2015, Yerevan

Victim(s) involved: a transgender (male to female) person

Type of the crime(s): hooliganism, physical assault

Perpetrator(s): three unknown men

Brief description of incident with bias indicators: The victim stated that the reason which served a basis for the incident was her appearance and feminine gestures which was easy noticeable. She had long hair and basic cosmetics on her face. The motivation of the perpetrators to merely frighten and unrest the victim can also be supported with the fact that the perpetrators did not have intention to rob the victim. As the victim states, they could easily steal her purse, which they did not do.

Status of the case: After the preliminary investigation process, no criminal case was initiated because of lack of corpus delicti, more concretely a criminal case is not instituted based on the reasoning that there were no elements of crime in the events reported by the potential victims. According to article 35, part 1, point 2, of the RA Criminal Code:

"...Article 35. Circumstances Excluding Criminal Prosecution

1. Criminal case cannot be instituted and criminal prosecution may not be started and the instituted criminal case is subject to suspension, if

2) if the alleged act contains no corpus delicti. ..."

Thus, the reasoning is that the elements included in the acts reported do not amount to a crime punishable under the Criminal Code of the Republic of Armenia, as it does not include elements of a crime, i.e. corpus delicti. It justified its reasoning based on the following reasoning:

Response of local authorities: After the preliminary investigation process, no criminal case was initiated because of lack of corpus delicti.

Case 6. Physical attack on a transgender sex worker

Date, time and location of the incident: January 2014, Yerevan

Victim(s) involved: one young transgender person

Type of the crime(s): physical assault

Bias motivation: gender identity

Perpetrator(s): two-three men, unknown to the alleged victim

Brief description of incident with bias indicators: A transgender woman (male to female) was physically attacked by unknown to her men as she was walking down the cruising park area near Zakyan Street in Yerevan, the place known as the main gathering spot for transgender sex workers. The victim, who was sex worker herself, noticed that the men were following her and started to run. The alleged perpetrators ran after the victim and started to verbally insult (scream after) her. They managed to attack and hit her, but she could escape from being seriously injured.

As the victim stated, the incident was connected with her gender identity. The appearance, feminine gestures of the victim and the park area where she was at time of the incident made it clear for the perpetrators that she is transgender. As noted, the victim was also verbally abused by the perpetrators and the content (the wording) of that abuse was directly related to the feminine look of the latter.

Status of the case: The victim went to the nearest police station to report the abuse. The police officers did not start a case/record testimony but instead responded that she is "suspected" of being a prostitute, based on the feminine appearance of the victim. Subsequently, an administrative

offences protocol was formed, according to which the victim had to pay 20.000 AMD (about 40 USD) for prostitution.

Response of local authorities: As already stated above, the police did not address the complaint of the victim and no investigation was initiated. The police turned the complaint against the victim accusing him/her of engaging in prostitution and fined according to administrative procedures.

Case 7. Shooting on two transgender sex workers

What happened: A group of people approached the park where transgender sex workers usually stand and started shooting on the direction of two of the persons standing there.

Date, time and location of the incident: May 2013, cruising park area, Yerevan city

Victim(s) involved: two young transgender sex workers

Type of the crime(s): attempt to damage health/life

Perpetrator(s): a group of men (2-3 men)

Brief description of incident with bias indicators: The perpetrators were aware that there were only transgender people standing near that park in the evenings. In order to avoid the negative consequences, the victims tried to escape, which resulted in bodily injury of one of the victims.

Status of the case: Suspended due to lack of evidence.

Response of local authorities: The incident was reported to the police; a criminal case was initiated, but soon suspended due to lack of appropriate evidence.

Case 8. Firebombing of a pub owned by a lesbian woman

What happened: The club that a lesbian owned and which was a place where LGBT community used to meet and socialize, was exploded by two young nationalists.

Date, time and location of the incident: May 8 of 2012, Yerevan

Victim(s) involved: Lesbian woman

Type of the crime(s): Intentional damage to property

Perpetrator(s): Two young nationalists

Brief description of incident with bias indicators: This criminal act of injuring damage to property was clearly targeted against the owner of the club, who is a well-known LGBT activist. The perpetrators themselves confessed that they explored the club, because the owner is lesbian and because she participated in gay pride parade in Turkey.

Status of the case: The investigation is over; the case is to be tried at national courts soon.

Response of local authorities: The authorities properly instigated the criminal case. But it is worth mentioning that the policemen did not react properly when the victim was threatened several times before the criminal act occurred, as the police forces did not take the alarms of the victim about the possible threats to her health and life seriously.

Article 7.

Case 9.

In December 2015 X woman sex worker was approached by several police officers and was threatened to leave the territory with her friends, who were also sex workers. The women were standing in a park area in central Yerevan. The policemen forcibly took these women to the nearest police station, where they were apprehended for more than three hours, later after midnight were driven to the suburbs afar from the center of Yerevan and left there. All the process was accompanied by derogatory comments and insults from the part of police officers targeting the work conducted by sex workers. The victims did not agree to initiate any legal proceedings to argue the lawfulness of police actions based on the reasoning that it may result in negative

consequences for them, since they may have to deal with same police officers again, who may possibly try to take revenge.

ANNEX 2. Human Rights component in the curricula of Yerevan State University Law department

Course name	Topic name	Reference to women's rights	Examination type	Hours/credits
1. Basics of human rights	Legal situation of special group of people in Armenia	One of the topics among <ul style="list-style-type: none"> - National minorities - Refugees - Women - Children rights 	No final examination	4 hours of lecture in total for all topics/ credit 2 ECTC
2. " Case law of the European convention on human right	Case law of ECHR	Does not cover ECHR Art 14 and 12 Protocol, both related to discrimination.	No final examination	2 hour per week/ 2 credits
3. International Law	International humanitarian law	No reference to women rights and status in war time.	Final examination	2 hours lecture and 2 hours of practical seminar
4. International Law	An individual and the international law	This topic covers 9 subjects (right to asylum, ECHR, difference of population and citizenship, international legal instruments etc). Among them a subject on "special international mechanisms of women's and children's rights protection" is covered.	Final examination	4 hours lecture and 2 hours practical seminar