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 **1 June 2020**

**Submission to the 129th Session (29 June - 24 July 2020) of the Human Rights Committee in Relation to the Third Periodic Report of**

**Armenia**

**Introduction**

The Women’s Resource Center Armenia and the Sexual Assault Crisis Center jointly present the following submission in advance of the 129th session of the Human Rights Committee, taking place between 29 June - 24 July 2020, for consideration of the List of Issues on Armenia’s third periodic report for review. We recommend questions to be put before Armenia by the Committee.

**Information about the authors of the submission**

Women’s Resource Center Armenia was founded in 2003 and works in the area of women’s human rights, women’s empowerment, reproductive and sexual rights, sexual violence and women’s role in conflict resolution and peace building. WRC’s main goal is to give women the necessary tools and empower them to become active citizens of Armenian society, through education and support. WRCA is a member of several local and international networks and coalitions. Since 2006 the organization has submitted shadow reports and stakeholders report to different UN treaty bodies.

The Sexual Assault Crisis Centre (SACC) is a feminist, non-profit, civil society organisation established in 2008 with the aim of preventing and combating sexual violence, providing direct support and assistance to women and girls who have survived sexual violence, as well as working for the protection of sexual rights. The SAAC works with the law enforcement agencies in Armenia to promote a more gender sensitive approach and supports women to access justice for sexual violence. In 2013, the SACC also initiated legislative changes on sexual violence in the Criminal Code.

**CONCERNS**

1. **GENDER EQUALITY (ARTICLES 2,3, 26)**

**Political Participation:** The political discourse on gender equality in Armenia has changed during and after the Velvet Revolution of 2018. Women actively participated in this mass social uprising, which challenged commonly-held stereotypes and perceptions on gender roles[[1]](#footnote-1). However, women are not proportionally represented in governance and decision-making. There are various compounding factors, such as social norms, socio-economic situation of women, household responsibilities, the lack of gender policies and sensitivity within political parties, as well new phenomenon such as cyber bullying and online sexism. Existing quota system for the political parties in Parliament and 3 majour city councils (30/70) doesn’t guarantee equal representation of women. In the current National Parliament, 24 percent are women, which is 6 percent more from than in the previous. According to the “Women in Politics: 2020” report[[2]](#footnote-2) of the Inter-Parliamentary Union Armenia ranked 81st out of 180 places.

Community consolidation reforms have also affected women’s participation in decentralized governance structures. According to 2019 data provided by the Ministry of Territorial Administration and Development, the representation of women has decreased in the local self-governing bodies. Both the community heads and the members of the council have lost their positions[[3]](#footnote-3) in comparison with 2016. In general, since 2002, the number of women in the community is the lowest in 2019, making up 1.6%. For the past 17 years this index has never been lower than 2%, and in 2008 it was 2.5%. From 2016 to 2019, the percentage of women council members decreased from 12% to 9%.

Politics in Armenia is male-dominated not only in the very low number of women who hold public office but also in the ‘psychology’ of political institutions: Political parties have not engaged with issues of gender equality or women’s rights. Many women also view politics as an ineffective means to bring about change, or they feel that even if they were to participate in political processes, men would ultimately be the decision makers [[4]](#footnote-4)

**Mechanisms of gender equality**: The general prohibition of discrimination against women appears to be rather well-anchored in the Armenian domestic legal framework. The Armenian Constitution, amended in 2015, includes a general equality provision (Article 28) as well as one that specifically stipulates legal equality between women and men (Article 30). Article 86(4) of the Constitution makes promotion of actual equality between women and men one of the main objectives of Armenian socio-economic and cultural state policy.

Provision of de jure gender equality means adoption of complete and comprehensive legislative regulations by the state. It means not only the adoption of a separate law on provision of equal rights and equal opportunities for women and men, but also stipulation of legal mechanisms for implementation of that law in all legislative acts which concern or may concern the provision of gender equality. Law on Provision of Equal Rights and Equal Opportunities for Men and Women[[5]](#footnote-5) was adopted in 2013 and has declarative statements and definitions of the main terms of gender equality. However, as the later researches show, in the absence of comprehensive antidiscrimination legislation with effective institutional and procedural mechanisms, the above mentioned law cannot work effectively and guarantee equal rights and opportunities for women. [[6]](#footnote-6)

The 2013-2018 Employment Strategy highlighted the importance of addressing employment problems of youth and women in Armenia.

The 2019- 2023 Strategy for the Law on Public Service, adopted in March 2018, provides for equal pay in the public sector, as does the Law on Remuneration of Persons Holding State and Public Service Positions.

Implementation of Gender Policy in the Republic of Armenia and Republic of Armenia National Program and Action Plan to Ensure Equal Rights and Equal Opportunities for Men and Women for 2019-2023 have been also adopted.

The Strategy was developed on the participatory principle involving various stakeholders in this field. The Strategy is based on findings from gender issues evaluation studies, analytical papers and reports, public discussion conducted by the Ministry of Labor and Social Affairs of the Republic of Armenia, other ministries and agencies, international and local partners, and on respective recommendations.

The Strategy focuses on five identified priority areas and sets up goals for addressing challenges in each respective area and the expected outcomes.

SDG Implementation Voluntary National Review Report was submitted by Armenia for the UN High-Level Political Forum on Sustainable Development in 2018, and currently a new SDG National Review Report is in the process of preparation.

The National Action Plan for the Implementation of UN Convention 1325 for 2019-2021 is adopted.

However the lack legal protection preventing discrimination in the labor force as well as the lack of legal provisions preventing the discrimination of women by lending institutions may be exerting a negative gendered effect on employment and access to financing for women.

However, despite efforts to reduce gender inequalities by the Government of Armenia, in the last two decades, a gap between legislation and implementation exists, gender inequalities are still socially accepted or tolerated, especially in rural areas where gender inequalities are more entrenched, which makes it more difficult to implement policies on gender equality.

**Antidiscrimination and right to equality:** Adoption of comprehensive antidiscrimination legislation was also one of the recommendations in Concluding Observations on the second periodic report of Armenia.[[7]](#footnote-7)

On 15 July 2019, the Ministry of Justice published a draft of the Law on Ensuring Legal Equality for public consultation.[[8]](#footnote-8) CSO-s and human rights defenders have some concerned about the draft of the law and its inconsistence with international human rights standards. Particularly, the list of the protected grounds of discrimination is incomplete (state of health, sexual orientation, gender identity, maternity and family status are not included in the grounds). The list of discrimination types is also incomplete, particularly, the draft lacks the definition of multiple and intersectional discrimination, the definition of reasonable accommodation and hate speech. Chosen model of equality body under Ombudsmen office is ineffective, due to its limited mandate and the absence of legal guarantees to ensure the implementation of its decisions. The draft does not provide adequate sanctions and reimbursement mechanisms for those who suffered violation of the right to non-discrimination from private entities.

**Sexual harassment:** Sexual harassment is defined in Law on Provision of Equal Rights and Equal Opportunities for Men and Women as a type of gender discrimination as a verbal or physical act of sexual nature or any other situation, which is aimed at degrading the dignity, humiliating, making hostile environment or any similar situation.

However, this is the only legislative link to sexual harassment in Armenian legislation. There are no institutional or procedural mechanisms that one can use to protect herself from sexual harassment. There are no sanctions, no institutions and no public awareness actions by the state to address this issue.

**Proposed questions for adoption in the List of Issues:**

* When measures has Armenia undertaken to increase quotas for women in Parliament and city councils, as well as to introduce quotas for other managerial and administrative positions?
* What steps has Armenia undertaken to change cultural norms, beliefs and stereotypes around female leadership and women decision makers?
* What policies, regulations, national mechanisms and institutional practices Armenia has adopted in order to ensure gender equality in politics and decision making?
* What measures has Armenia undertaken to ensure the efficient implementation of the national and international mechanisms of women’s rights protection and gender equality?
* What steps has Armenia undertaken to introduce gender education at schools and higher education institutions, including education and awareness raising about national and international mechanisms of gender equality?
* What measures has Armenia undertaken to ensure effective protection from discrimination, including the establishment of well-resourced equality body with a large mandate and enforceable decisions?
* What measures (both legal and practical) has Armenia undertaken to ensure institutional and procedural protection for the victims of sexual harassment?
1. **GENDER BASED VIOLENCE (ARTICLES 2,3,6,17, 26)**

Gender based violence continues to be one of the main concerns of women rights defenders and the largest obstacle for gender equality.

We reiterate the Concluding Observations on the second periodic report of Armenia[[9]](#footnote-9) and underline, in particular, the recommendations urging the government of Armenia to adopt legislation criminalizing all forms of domestic violence and to ensure availability of the sufficient number of fully operational shelters for victims of domestic violence. The Committee has not made any specific recommendations on sexual violence, child marriages, and femicides. We urge the Committee to encourage Armenia to report on laws and practices on sexual violence, femicide and child marriages and bring them in compliance with the above requirements of ICCPR.

**Domestic violence:** During the recent years Armenian Government took legislative measures to prevent domestic violence in Armenia. Particularly, the Law on Prevention of Violence in Family[[10]](#footnote-10) (DV law) was adopted in 2017 and Istanbul Convention was signed in 2018. However, women in Armenia continue to suffer from negative gender stereotyping and different forms of gender-based violence. DV law defines physical, sexual, psychological, economical violence and negligence as forms of domestic violence. Definitions of psychological and economical violence are not very comprehensive; they do not include all forms of controlling behavior.

Meanwhile, the adoption of DV prevention law was not accompanied by amendments in criminal code. No additional, gender specific crimes were added to the RA Criminal Code. Despite the suggestions of civil society representatives, domestic violence wasn’t added as an aggravating circumstance for crimes already existing in Criminal Code. Armenian legislation lacks of criminal regulations for stalking, FGM, forced abortion, forced sterilization and femicide. There are general crimes that may cover some of the actions, mentioned above, e.g. murder, causing harm to the health of the person, kidnapping of the person, etc. However, specific regulations are absent.

**Femicide**: Between 2010 and 2019, at least 83 women were killed by a current or former intimate partner or spouse, or other family member in Armenia according to the women’s rights organizations.[[11]](#footnote-11) RA Criminal Code does not have special provisions on distinguishing femicide from other types of killing and, therefore, do not outline any specificity for qualifying the cases or their punishment as crimes with elements of domestic violence. Armenian courts do not find aggravating circumstances for an abuser’s liability and punishment in cases of femicide. Gender stereotypes and victim-blaming practices are often met in Armenian criminal and judicial systems while dealing with femicide cases.

**Sexual violence:** DV law stipulates sexual violence as one of the forms of domestic violence. Meanwhile, sexual violence occurs not only within the family or in intimate relationship. Sexual violence crimes are described in Chapter 18 of Armenian Criminal Code.

Criminal Code provides inadequate and limited definitions of sexual violence crimes leaving many of the coerced and non-consensual acts of a sexual character without classifying them as crimes. Definitions, used in Criminal Code do not include all forms of non-consensual sexual acts and rely on violence, threats of violence and abuse of the victim’s ‘helpless state’ as the constituent elements of rape, rather than on the lack of consent and a wide range of coercive circumstances. This in practice means that the prosecution of rape is overwhelmingly limited to situations where the victim has the physical evidence of injuries and can prove physical resistance to sexual intercourse. When such evidence cannot be secured, or when sexual violence was committed without using physical force, there is very little chance that the perpetrator will be brought to justice.

In addition to the problems in the law, law enforcement bodies fail to properly implement the existing legislation and meet the standards that are already envisaged by the law. Law enforcement authorities do not have a full understanding of the circumstances in which sexual violence can be committed. Gender stereotyping, secondary victimization, victim-blaming and disbelief in survivors’ testimonies are serious problems when it comes to investigation and prosecution of sexual violence.[[12]](#footnote-12)A big challenge is the lack of a victim-centred and gender-sensitive approach by law enforcement bodies with respect to sexual violence. Many legal procedures, such as intrusive interviewing practices of survivors, organising a confrontation between the survivor and the accused, and detrimental and inadequate forensic examinations are routinely performed. These fail to take into consideration the psychological state and needs of the survivor and result in secondary victimisation.

During the investigation process, law enforcement commonly assesses the sexual history of the survivor and interviews former partners of the survivor during the case. Moreover, in several cases, privacy of the victim is not respected by the law enforcement and the details of the case or sexual history of the victim become publicly available information shared with journalists. This is particularly used in cases when the victim is involved in sex work.

**Child marriages:** The 2015-2016 Demographic and Health Survey conducted jointly by the State Statistical Service and the Ministry of Health shows that 5.2 percent of women ages 20-24 have married before the age of 18.[[13]](#footnote-13)A joint study conducted by the Investigative Committee and SACC in 2017, examining criminal cases related to crimes against sexual immunity and sexual freedom during the period of 2015-2016[[14]](#footnote-14) showed that crimes investigated under the article 141 of the Criminal Code (depraved actions), where one party was a minor of ages 12-16, parents or legal representatives knew of their child’s relationship with a person of the ages of 18 and older and had given their conscious consent for the marital relationship, frequently also hid the actual age of the marrying party. In those criminal cases, the parents or the legal representatives have not been indicted. One the SACC’s cases included a 15-year-old girl who was forced by her parents to marry her rapist after it became known that she was pregnant.

Forced marriage and bride kidnappings are also still not uncommon in Armenia and these practices are seen to affect girls and women predominantly from the Yazidi community.[[15]](#footnote-15) These practices disproportionately affect adolescent girls and give rise to sexual violence offences.

**Proposed questions for adoption in the List of Issues:**

* What measures has Armenia undertaken to criminalize specific forms of domestic violence and to introduce domestic violence as aggravated factor to other crimes?
* What measures has Armenia undertaken to fight against femicide in Armenia?
* What measures has Armenia undertaken to ensure that all forms of non-consensual sexual acts are criminalised?
* What measures has Armenia undertaken to tackle gender stereotyping, secondary victimization, victim-blaming and violation of victims' privacy during investigation of sexual violence cases?
* What measures has Armenia undertaken to eliminate child marriages in practice?
1. **FREEDOM OF EXPRESSION, FREEDOM OF ASSEMBLY, FREEDOM OF ASSOCIATION (ARTICLES 19, 21, 22)**

Repressions and attacks on civil society groups working on gender equality, violence against women and anti-discrimination:

Women’s groups are being under attack since 2013 with an on-going anti-gender campaign launched by far-right groups. Women’s Resource Center’ staff, which is one of the largest women’s rights organization, active in advocating for domestic violence legislation, prevention of sexual violence and reproductive justice, have been targeted with smear campaigns, online hate speech and death threats. After the velvet revolution in 2018, despite the many positive developments, the climate of repression increased; hate speech and violence from extremist and nationalist groups, which are faced by an environment of impunity by law enforcement bodies. All criminal cases launched were suspended later on with no one held accountable for their actions. Criminal investigation is ineffective and the state does not ensure protection of victims of such attacks.

In May 2019, The Sexual Assault Crisis Center NGO held a public book launch event on prevention of sexual assault against children in one of the local bookstores, “Bookinist” to raise awareness among parents on the issue. A group of nationalists and far rights groups members attacked the participants and the responsible of the event by shouting loudly calls for violence and throwing eggs on the organizers from the Sexual Assault Crisis Center and insulting them publicly to disrupt the public event. Again despite a report to the police, no case was initiated and no one was held accountable. Following this event, another public library annulled a similar event hosted by the Sexual Assault Crisis Center, fearing the same kind of attacks on their premises.

Not only most of attempts to gain justice through legal processes are often met with indifference and impunity, but recently, a legal criminal case was initiated against the Women’s Resource Center’s sexual education website by order of the Prosecutor General’s office, following pressures from the same extremist groups, stating that the website [www.serakanutyun.org](http://www.serakanutyun.org) prepared by a group of experts in the field for parents and teenagers is spreading pornographic materials. The website is presently under investigation. It is a clear tendency to limit the freedom of expression, and the right to association and assembly of women’s groups and those dealing with sensitive human rights issues. Initiation of criminal proceeding is used as a legal tool to limit the activities of certain organisations that are sensitive and silence them.

**Proposed questions for adoption in the List of Issues**

* What steps has Armenia undertaken to protect women human rights defenders from attacks and hate speech?
* How, if at all, has the government of Armenia responded to threats and threats against human rights defenders?
1. **SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS (ARTICLES 6, 17, 19)**

**Unsafe abortion**: According to the demographics of the Republic of Armenia and based on the results of a 2015-16 Demographic and health survey (DHS), one out of four women ages 15-49 has at least once had an abortion. The probability of abortion rises with the age of the woman and number of living children. 47 percent of those women have had more than two abortions.[[16]](#footnote-16) Though abortions are legal in Armenia the state inhibited women’s right to seek abortions by requiring a three day waiting period from the moment the woman first approaches the doctor requesting an abortion and also defines several preconditions for termination of pregnancy, most particularly, receiving free of charge counseling by the doctor concerning possible negative effects of the termination of the pregnancy. Regardless of international and national principles that regulate the realization of secure and accessible abortion rights of women, in Armenia there are still various impediments to women’s access to safe and legal abortion services, particularly for women living in rural areas who have difficulty accessing medical services due to a lack of medical institutions in those areas. The cost of obtaining an abortion[[17]](#footnote-17) from a doctor can prove burdensome for many rural women. Many women in Armenia risk their live and health to undergo unsafe abortion especially those who live in rural areas.[[18]](#footnote-18)

**Lack of Essential Gynecological Care for marginalized groups of women:** In Armenia there is lack of access to appropriate health-care services that will enable women from marginalized groups to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. The state does not ensure the accessibility of health services for remote rural areas, including emergency gynecological care and does not guarantee that the health workers receive adequate and constant trainings on SRHR issues with special attention to the marginalized groups of women including women with disabilities, LBT women, women with HIV.

**Lack of Family Planning Services:** High cost and luck of access in rural areas of family planning services de facto deprives women of the right to access to family planning services. State does not assure the availability of contraceptives and free access to family planning services and methods. Due also to the general absence of comprehensive sexuality education in Armenia, the awareness of women living in rural areas concerning issues of contraception, family planning, and prevention of STIs remains a problem. According to 2018 data from the Armenian Ministry of Health, approximately 50,000 cases of STIs are recorded each year, the most common being trichomoniasis, chlamydia and gonorrhea. Those affected often don’t seek medical help and attempt to treat the infection themselves.[[19]](#footnote-19) State’s main policy in this field is based on pro-natalis principles.

**Sexuality education:** In Armenian schools, the sexuality education program is called “Healthy lifestyle” and is taught as part of Physical Education for grades 8-11. The reproductive health component is allotted 8 hours out of the total 14. The “Healthy lifestyle” class is taught firmly within the framework of “abstinence only” and employs a fear-based approach wherein students are shown frightening and exaggerated stories of the complications of unwanted pregnancy and STIs. The information about STIs including HIV/AIDS is scientifically complex and not adapted to the developmental level of the students. The government has not taken sufficient measures to ensure that comprehensive sexuality education is implemented in schools.

The Committee has not made any specific recommendations on SRHR during the second periodic report of Armenia. With this submission, we urge the Committee to encourage Armenia to report on laws and practices on SRHR and bring them in compliance with the requirements of Human rights standards.

In spite of the fact that the Committee has not addressed SRHR issues during the second periodic report of Armenia, other UN Committees such as CEDAW Committee in 2016 recommends that the State party should enhance women’s access to basic health care and sexual and reproductive health services, in particular for rural women, women with disabilities and women from ethnic minorities, including by increasing allocations from the State budget to health care and the introduction of a mandatory health insurance system; continue efforts to make affordable contraceptives accessible and available to all women and girls, in particular to those living in poverty and in rural or remote areas.

The Universal Periodic Review of the Republic of Armenia was during the 35th Session in January 2020 and the states received several recommendations by the Human Rights Council on SRHR issues as well.

**Proposed questions for adoption in the List of Issues**

* Does Armenia organize periodic and mandatory trainings for health workers on reproductive health and rights-based, patient-centered approaches paying particular attention to reaching women who face multiple and intersecting forms of oppression?
* What measures has Armenia undertaken to introduce comprehensive and evidence-based sexuality education in Armenian schools?
* What special measures does the state introduce to make the abortion services accessible and affordable for the marginalized groups of women? Can you provide any information how the retrogressive measures (mandatory 3 days waiting period and mandatory counselling) introduced in the law on Reproductive health and rights which also regulates access to abortion affected women’s access to abortion services?
* What policies has Armenia adopted to make contraceptive access more available and accessible for different groups of women?
1. <https://banyanglobal.com/wp-content/uploads/2019/09/USAID-Armenia-Gender-Analysis-Report.pdf> [↑](#footnote-ref-1)
2. <https://www.ipu.org/resources/publications/infographics/2020-03/women-in-politics-2020> [↑](#footnote-ref-2)
3. <https://banyanglobal.com/wp-content/uploads/2019/09/USAID-Armenia-Gender-Analysis-Report.pdf> [↑](#footnote-ref-3)
4. “The invisible part of everyday life. gender stereotypes in livelihood”. AM Partners Consulting Company and World Vision Armenia, 2018 [↑](#footnote-ref-4)
5. RA Law on Provision of Equal Rights and Equal Opportunities for Men and Women, adopted on 20.05.2013, available in Armenian online at <https://www.arlis.am/DocumentView.aspx?DocID=83841> [↑](#footnote-ref-5)
6. N. Aleksanyan, Research On Law "On Provision of Equal Rights and Equal Opportunities for Women and Men", Coalition to stop violence against women, <https://coalitionagainstviolence.org/wp-content/uploads/2018/01/gelaw_report.pdf> [↑](#footnote-ref-6)
7. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fCO%2f2&Lang=en> [↑](#footnote-ref-7)
8. Ministry of Justice of the Republic of Armenia, *Draft Law on Ensuring Equality*, 2019, available in Armenian online at: <https://www.e-draft.am/projects/1801/about> [↑](#footnote-ref-8)
9. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fCO%2f2&Lang=en> [↑](#footnote-ref-9)
10. “Armenian Law on Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion”, available in English, non-official translation <https://www.refworld.org/pdfid/5a6b2e274.pdf> [↑](#footnote-ref-10)
11. See: <http://coalitionagainstviolence.org/wp-content/uploads/2016/05/Femicide_Report_ENG.pdf?be05b6>

<https://coalitionagainstviolence.org/wp-content/uploads/2019/07/femicide2018en.pdf> [↑](#footnote-ref-11)
12. See in details: Sexual violence situation analyses in Armenia, Presentation of the results of ten years’ activities of the Sexual Assault Crisis Center, 2020,<http://www.saccarmenia.org/files/uploads/ReportEng.pdf> [↑](#footnote-ref-12)
13. Available online: <https://dhsprogram.com/what-we-do/survey/survey-display-492.cfm> [↑](#footnote-ref-13)
14. See in details: Crimes against Bodily Integrity and Sexual Freedom; Criminal Proceedings of Such Crimes between 2015 and 2016, <http://www.saccarmenia.org/files/uploads/ReportE.pdf> [↑](#footnote-ref-14)
15. See in details Submission to the UN Universal Periodic Review Thirty Fifth Session of the UPR Working Group of the Human Rights Council, January 2020 by Equality Now, SACC and Armavir Development Center, para. 23 <http://www.saccarmenia.org/files/uploads/UNUPR.pdf> [↑](#footnote-ref-15)
16. Online source:<http://www.armstat.am/file/article/dhs_kir_2015-16-english.pdf> [↑](#footnote-ref-16)
17. The average price for medical abortion is 30-40 USD, and 100-150 USD for surgical abortion. The average salary in Armenia is 200-300 USD. [↑](#footnote-ref-17)
18. For more information:<https://womenofarmenia.org/wp-content/uploads/2019/12/Reproductive-rights_report_.pdf> [↑](#footnote-ref-18)
19. On-line source: Health and healthcare in Armenia. Statistics 2018, <http://www.moh.am/uploads/statistica_2018.pdf> [↑](#footnote-ref-19)