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ARMENIA NON GOVERNMENT ORGANIZATIONS' WRITTEN SUBMISSION TO THE CEDAW
COMMITTEE

On the 7th periodic report submitted by Armenia on the implementation of the Convention on the
Elimination of All Forms of Discrimination against Women

For the 83rd Session of the Committee on the Elimination of All Forms of Discrimination against
Women, 10 October 2022 - 28 October 2022

Submitted by the group of NGOs:

Women's Resource Centre NGO
Sexual Assault Crisis Centre NGO
Human Rights House Yerevan
Women's Rights House NGO
Women's Empowerment Centre NGO

Yerevan 2022

Information about the authors of the submission

The Women's Resource Centre Armenia (WRCA) was founded in 2003 and works in the area of women's human rights, women's empowerment, reproductive and sexual rights. 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.

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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.

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The Human Rights House Yerevan (HRH Yerevan) was established in Armenia in 2012. Today the House unites 7 organisations under its roof: PEN International Armenian Centre; PINK; Real World, Real People; Socioscope; Women's Resource Center, Armenia, Democracy Today and Sexual Assault Crisis Center. Human Rights House Yerevan is committed to a safe, accessible, and common space for activists, civil society organizations, movements, civic initiatives, and human rights defenders, who are often targeted for the work they do.

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The Women's Rights House (WRH) was founded in 2017 in the Shirak region, Gyumri. It was created around the idea of women's rights, common interests, and security, by promoting the protection of women's rights, advocating for a change in public policy on their issues, and providing needs-based various services.

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The Women's Empowerment Centre (WEC) was founded in 2015. WEC's mission is to empower women and girls living with and affected by and vulnerable to HIV infection through capacity and leadership skills building with special focus on their sexual and reproductive health and rights.

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Introductory remarks

Written information is prepared by the coalition of civil society organizations from Armenia with the aim of stressing out some key issues that women in Armenia face in advance of the 83rd session of the Committee on the Elimination of Discrimination against Women and its review of Republic Armenia compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

This submission focuses on gender stereotypes and discrimination, women's right to health including sexual and reproductive rights, women's labour rights as well as manifestation of gender based violence and attacks on women's rights defenders. The report includes also information on equality and non-discrimination, women's rights and gender equality in relation to the pandemic and recovery efforts, women and peace and security, intimidations against women rights defenders and women in decision-making positions and political participation.

EQUALITY AND NON-DISCRIMINATION

Definition

In the List of issues and questions in relation to the seventh periodic report of Armenia para 1 the Committee requested the state to clarify the current status of the draft law on ensuring legal equality. In its Replies from 10 November, 2021, Armenian government admitted that the draft law on ensuring legal equality is still in the process of revision regarding hate speech regulations and it has not yet been submitted to the Government. During the last 9 months after the submission of the State report, when there were no Covid outbreaks or serious political instabilities, the situation didn't change. The final version of the draft has not been published for public discussions, it is not in the agenda of the Government or Parliament.

Civil society organisations mentioned their concern regarding the draft, which was published in 2020. The issues raised include, inter alia:

- The incomplete list of explicitly prohibited grounds of discrimination (which omits reference to health status, sexual orientation and gender identity, amongst others) and the lack of criteria for interpreting the term "other personal and social circumstances"
- Weaknesses in the definition of discrimination, which fails to explicitly prohibit multiple and intersectional discrimination or adequately define "reasonable accommodation";
- The weak enforcement powers, and financial and technical resourcing of the human rights defender's office, which is designated as the equality body under the law;
- The lack of provision for non-material damages in cases concerning private bodies.

Recommendations:

1. Adopt law on ensuring legal equality,
2. Ensure that the definition of discrimination in the law is comprehensive (including health status, sexual orientation and gender identity, amongst others), including multiple and intersectional discrimination and reasonable accommodations,
3. Ensure that grounds of discrimination in the law are comprehensive and there are criteria for interpreting the term "other personal and social circumstances"
4. Ensure that the law guarantees compensation of non-material damages in cases concerning private bodies.

GENDER STEREOTYPES

The State party does not provide information on policies aimed at eliminating gender stereotypes as requested by the Committee in the List of issues and questions in relation to the seventh periodic report of Armenia. In particular, it leaves out LBTQI+ women altogether and does not provide any information on how it has addressed intersecting forms of discrimination. The State party mentions the Council of Europe Convention on preventing and combating violence against women and domestic violence and its relevant provisions as grounds for combating gender stereotypes.

However, since the State is hesitant to ratify the Convention it is ultimately up to the State party's interpretation of what provisions from it should be included in future legal acts. In its response, the State party largely focuses on domestic violence and does not give information on other spheres where women and girls might face discrimination, including education, healthcare, the workplace, mass media, etc.

Recommendations:

1. Ensure that the issue of gender stereotyping is understood as a serious problem affecting women and girls not just in the private sphere (e.g. the family) but also in the public sphere.
2. Ensure intersectionality, meaning the needs of different marginalized groups- LBT women, disabled women, poor women, etc, are not ignored.

LABOUR RIGHTS AND EMPLOYMENT

Sexual harassment at workplace

In the List of issues and questions in relation to the seventh periodic report of Armenia p. 14 the Committee requested the State to provide information on the remedies available to women to lodge complaints about labour discrimination and sexual harassment in the workplace in both the public and private sectors. In its Replies from 10 November, 2021, Armenian government referred to the Article 9 of the Draft Law of the Republic of Armenia "On ensuring equality" - Prohibition of discrimination in working relations. It is worth to note, that the draft law "On ensuring equality"¹ was circulated for 5 years and didn't reach Parliament. The last publicly available version of the draft was published in July, 2019, more than 3 years ago and all the deadlines of the Government's commitment to adopt the draft have passed.

Currently there is no available remedy for women to lodge complaints about sexual harassment in the workplace neither in public nor in private sectors.

Definition of sexual harassment

According to international standards, set by ILO Convention No. 111² and further recommendations, definitions of sexual harassment should contain the elements of quid pro quo³ or hostile work environment⁴ conducts. Armenian Labor code doesn't have any reference to the definition of sexual harassment, doesn't contain any prohibition of sexual harassment at workplace and totally ignores this issue while regulating employment relationships.

¹ See: <https://www.e-draft.am/projects/1801/about>

² Armenia ratified convention in 1994

³ Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job

⁴ Conduct that creates an intimidating, hostile or humiliating working environment for the recipient

In March 2022, the Ministry of Labor and Social Affairs published a package of major amendments to the Labor Code for public discussions⁵. Regulations of workplace sexual harassment were not included in this draft despite the fact that this issue was raised by international human rights bodies several times (CEDAW, ILO). Women's rights organizations, made comments to the draft and provided a package of recommendations to include the definition of the sexual harassment at workplace and remedies for the victims of sexual harassment at workplace in the Labour code. The issue was raised also during the public discussions organized by civil society organizations and the Ministry of Labor and Social Affairs. More than 50 civil society organizations mobilized and published a Call for a gender sensitive labor code⁶ and to include regulations on workplace sexual harassment there.

Meanwhile, the last available draft of the amendments to Labour code⁷, published in July, 2022, does not contain neither the definition of workplace sexual harassment not any remedies for the victims.

Recommendations:

1. Adopt legislation to define and prohibit sexual harassment at the workplace as well as develop special measures (such as mandatory policies for prevention of sexual harassment at workplace) to prevent sexual harassment.
2. Implement national campaigns to raise awareness about prevention and prohibition of sexual harassment at workplace.
3. Gather disaggregated data on sexual harassment at the workplace.
4. Develop a confidential and safe system for filing complaints relating sexual harassment at the workplace, and ensure that victims have effective access to such means of redress.

Women in labour force

The Global Gender Gap Index 2021 ranks Armenia at 96th for economic participation and opportunity, owing to the fact that 51% of females participate in the labor force as compared to 72.7% of men and only 26.2% senior officials and managers are female⁸.

A large share of economically inactive youth (65.2%) are women who possess the education and skills needed to join the labor force but who do not seek employment due to family responsibilities. Due to household and childcare duties, women hit their peak earning years around ages 40-54, while men reach their peak earning years at a much younger age (25-39), leaving women in a disadvantageous position⁹.

Recommendation:

⁵ See: <https://www.e-draft.am/projects/4129>

⁶ See: Հայտարարություն ՀՀ աշխատանքային օրենսգրքի նախագծի վերաբերյալ - WRCAS (womenofarmenia.org)

⁷ See: https://www.mlsa.am/?page_id=1355&fbclid=IwAR22boq568bCYySwH0o67k5cfRI_yxlz-Dal2r4r_YoFI98kWqtWWZJqHN8

⁸ See: https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

⁹ See: <https://banyanglobal.com/wp-content/uploads/2019/09/USAID-Armenia-Gender-Analysis-Report-1.pdf>

1. Introduce measures to promote women's involvement in the labor market and women's financial independence.
2. Take steps to promote equal entrance into the business sphere, especially for women in caretaking roles.

RIGHT TO HEALTH

Family planning services

According to the replies of Armenia to the list of issues and questions in relation to its seventh periodic report, the lack of a separate line in the state budget for the purchase of contraceptives is due to the scarcity of a budget allocated to the health sector (para. 79), however since 2018 the state budget allocations to the healthcare has been increased. As an example in 2021 budget of Armenia's Ministry of Health has by now been exceeded by AMD 27bln.¹⁰ (approximately 667,513,434.48 USD). High cost and lack of access to family planning services in rural areas de facto deprives women of the right to access family planning services. The state does not ensure 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.

Lack of Essential Gynaecological Care for marginalized groups of women and periodic and mandatory trainings for healthcare providers

In Armenia there is a lack of access to appropriate health-care services that will enable women from marginalized groups to go safely through sexual and reproductive health related issues. The state does not ensure the accessibility of health services for remote rural areas, including emergency gynaecological 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 LBT women, women with HIV, Yezidi women.

According to the replies of Armenia to the list of issues and questions in relation to its seventh periodic report, a training course entitled "Principles of non-discriminatory approach of medical workers to reproductive health and rights of different groups of women" is being held for family doctors and obstetrician-gynaecologists is held by NGOs representatives.

Access to abortion services

Though abortions are legal on women's request up to 12 weeks of pregnancy, 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

¹⁰ See: https://finport.am/full_news.php?id=45020&lang=3

termination of pregnancy, most particularly, receiving free of charge counselling 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 and transport facilities in those areas.

The cost of obtaining an abortion¹¹ from a doctor can prove burdensome for many rural women. Conscientious objection to abortion among health workers in rural areas is another reality which many women face while seeking abortion services and the State does not regulate this harmful practice.

Sex-selective abortion

In 2016, amendments were made to the Law on Human Reproductive Health and Reproductive Rights to ban sex-selective abortions. According to the State report Paragraph 156 "...With regard to the concern expressed by the Committee on results of implementation of the Law in 2016-2020, Armenian Ministry of Health informs that thanks to the sanctions implemented by the Law on Human Reproductive Health and Reproductive Rights and Code of Administrative Offences, as well as thanks to the large-scale propaganda, 100-120 abortion rate in 2016 has been reduced to 100-110 ratio." Though the restriction banning sex-selective abortion may be well-intended, it has the potential to violate women's rights to life, health, and bodily integrity. Banning sex-selective abortion services may have led women to carry unwanted pregnancies to term. Alternatively, the decrease in number of abortions may be an indication that women are conducting clandestine abortions at a higher rate since the ban, which carries higher risks as they are often unsafe.

Recommendations:

1. Introduce a separate budget line for the free distribution of modern contraceptives as well as allocate adequate percentage of the State party's budget to sexual and reproductive health services.
2. Ensure the collection of more specific and accurate statistics related to the reproductive health of women who face multiple and intersecting forms of oppression including women with disabilities, LBT women, Yezidi girls married as children, and HIV positive women.
3. Ensure accessible, safe, and affordable abortion services for women living in rural areas.
4. Enhance women's access to basic health care and sexual and reproductive health services, in particular for rural women, women with disabilities and women with HIV, including by increasing allocations from the State budget to health care.

¹¹ 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.

5. Introduce comprehensive and evidence-based sexuality education in Armenian schools including developing and implementing appropriate teaching materials for students and trainings for teachers in collaboration with feminist and women's rights organizations.
6. Introduce and monitor 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.
7. Using international best practices, reform the law on abortion by removing the recently introduced provision on a waiting period of 3 calendar days for an abortion and compulsory counselling on negative effects of abortions in the Law on Reproductive Health and Reproductive Rights.
8. Modify state campaigns and policies on gender biased sex selection to ensure they do not negatively impact the right to abortion.

Marginalized groups of women

Sexual and reproductive health and rights of women living with HIV/AIDS

Discrimination and stigmatization against women living with HIV/AIDS is still rampant: people living with HIV/AIDS are among the most discriminated marginalized groups, with women living with HIV/AIDS facing double discrimination. People living with HIV/AIDS face discriminatory treatment primarily by medical institutions. For instance, while article 4 of the Law of the Republic of Armenia "On Reproductive Health and Reproductive Human Rights" of December 11, 2002, guarantees the right of a person to independently manage his/her sexual and reproductive life, "if it does not threaten the interests of others", Article 16 of the Law "On the Prevention of Disease Caused by the Human Immunodeficiency Virus" of 03.02.1997 establishes the obligation of a person with HIV or his (her) legal representative to "comply with measures of prophylaxis that prevent the spread of HIV, which are approved by an authorized governmental body". Thus, after an HIV diagnosis, legislative and regulatory compliance practices partly incapacitate people with HIV to manage their sexual lives: People diagnosed with HIV are obliged to reveal their HIV status in certain scenarios and this creates additional risks for human rights violations, blackmail, and disclosure of the HIV status by the third party. This regulation disproportionately affects women given the greater stigma against women living with HIV and they are often forced to "justify from where they got infected", despite the fact that women are largely infected with sexually transmitted infections and HIV by male partners who engage in casual sex.

The dire situation around access to healthcare among women with HIV/AIDS is exacerbated by the fact that there is a concerning lack of knowledge and understanding of HIV/AIDS amongst medical personnel and medical personnel regularly violate the confidentiality of their patients by revealing their HIV status or create further challenges and obstacles for their patients.

Health and rights of women intravenous drug users

Article 16 of the Constitution of the Republic of Armenia, which guarantees the right to personal liberty and security, states that the law can provide for deprivation of liberty for the purposes of preventing social dangers posed by persons addicted to drugs. The State's policy in the field of prevention of illicit trafficking of drugs and psychotropic substances is provided by the Law "On Drugs and Psychotropic Substances" of the Republic of Armenia. This law regulates the issues in the area of control of narcotic drugs and psychotropic substances, as well as establishes legal grounds for the national policy to combat illicit trafficking of drugs and drug abuse. It also sets main measures to combat drug addiction for the purposes of protection of the health of citizens, the state security and the society at large. Article 49.4 of the RA Law on "Narcotic Drugs and Psychotropic Substances", requires immediate and compulsory medical assistance for any person suffering from drug addiction, if he/she without a doctor's prescription regularly uses narcotic drugs and psychotropic substances, has acquired an unrecoverable physiological or psychological dependency, has received a diagnosis of drug addiction, and is not able to overcome the physiological, psychological dependency from the narcotic drugs and psychotropic substances—even temporarily—without any medical intervention.

Yet, discrimination and stigmatization against women intravenous drug users, in particular, remains an issue. Women who use and inject drugs remain underrepresented in many drug trials, studies, and hence in systematic reviews. Women are more likely to experience their first drug injection with an intimate partner and to have that partner inject them. Refusal to share needles often symbolizes distrust and a denial of intimacy in a relationship, which can lead to domestic violence or intimate partner violence. Women who use drugs are stigmatized more than men because of cultural stereotypes that hold women to different expectations and roles. Women who use drugs are often portrayed as "bad" and "unfit" as mothers. Both stigma and criminalization of drug use drives women to hide their addiction from healthcare providers, keeping them from accessing harm reduction and HIV prevention. Stigma contributes to poor mental and physical health and interferes with drug treatment and recovery.

Article 12 of CEDAW is not fully implemented by Armenia in regards to access to opioid substitution therapy for women who use drugs. In 2008, the illegal use of narcotic drugs and psychotropic substances without a medical prescription was decriminalised and, shortly after that, with the support of the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the methadone substitution treatment was introduced to patients suffering from opioid abuse. Currently, the number of patients undergoing treatment remains relatively low, especially for women drug users. From 2008-2022, only 6 women were involved in the state methadone substitution treatment program.

Sexual and reproductive health and rights of sex workers

Sex work is illegal in the Republic of Armenia. Article 179-1 of the RA Code of Administrative Infringements stipulates administrative responsibility in the amount of fine of twenty or forty-fold of the minimum salary for a sex worker, 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 prostitution 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.

Yet, 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. There are numerous cases on violations of human dignity of women sex workers, including but not limited to deprivation of liberty, discriminatory treatment, verbal insults, etc.

Recommendation:

1. Abolish the Law “On the Prevention of Disease Caused by the Human Immunodeficiency Virus” and incorporate articles in the laws and legal acts accordingly.
2. Develop and adopt a policy around non-discrimination of drug users to ensure their protection, prevent their criminalization, and replace punitive measures against drug users with the provision of healthcare and social services.
3. Ensure the protection of personal data and medical information of people who use drugs, including patients of opioid substitution therapy, from the unlawful disclosure of these data to law enforcement agencies.
4. Ensure proper confidentiality of information related to all types of drug treatment;
5. Provide training for women who use drugs and HIV-positive women about their rights and ensure access to legal assistance in the case of violation of their rights in regards to the disclosure of personal information about health state.
6. Actively investigate cases of violence and any unlawful actions committed by law enforcement officials against sex workers, including cases documented and reported by the community-based organization representing marginalized women.
7. Organize commissions in cooperation with the human rights institutions and other similar organizations that will investigate incidents of violence and discrimination committed against female sex workers by law enforcement agencies.
8. Ensure the right to the free and quality legal assistance for sex workers.
9. Plan and provide educational events for sex workers as about their rights within the new state program on equal opportunities for men and women.

WOMEN’S RIGHTS AND GENDER EQUALITY IN RELATION TO THE PANDEMIC AND RECOVERY EFFORTS

In the List of issues and questions in relation to the seventh periodic report of Armenia, the Committee requested that the State party provide information on how women were centred in the recovery process. While the Armenian government lists a few measures it has taken to address gendered needs during the pandemic, it does not provide information on how effective these

measures were, in other words, it has not done policy evaluations to assess the effectiveness of the policy measures it has taken during the pandemic. As a result, no data or statistics show how successful these measures were in reaching out to the most impacted groups. The 25 support packages implemented before the 20th of September 2020 did not effectively address gendered needs. For instance, considering that most women in Armenia work in the shadow economy, no measures were taken to ensure that unregistered workers did not suffer financial difficulties throughout the pandemic and its accompanying lockdowns. Around the world and in Armenia, during the pandemic, the lion's share of the care work has fallen on the shoulders of women which has relegated women and girls to traditional stereotypical gendered roles. The Armenian government, however, does not address this issue substantially in its replies to the LOIs.

Recommendations:

1. Ensure that policies targeting women are not reactive but proactive, meaning preventive measures are taken before crisis situations happen.
2. Ensure that policymaking and policymakers are gender sensitive and are aware of the need that different groups of women have.
3. Ensure that after the implementation process policy evaluations are done and appropriate steps are taken to identify missteps and failures in order to avoid them in the future.

WOMEN AND PEACE AND SECURITY

The post-conflict situation in Armenia remains tense with the escalation of the conflict being a possibility. Therefore women, especially in border communities, continue suffering in terms of access to education, healthcare services, and economic opportunities. The State party's replies ensured that during and after the war women and other vulnerable groups were provided psychological counselling. However, according to local CSOs, most of the work was done by volunteer psychologist groups who after a certain period could not continue pro bono service provision.

The State party ensures that the National Action Plan for UNSCR1325 addresses challenges faced by women of Armenia and Nagorno Karabakh. However, civil society organizations note that since the implementation of the NAP has little to no state funding it cannot successfully address the needs of women and girls. Additionally, the State party hopes for future cooperation with international partners, however, what it fails to mention is its lack of communication with local CSOs involved in women's rights advocacy and peacebuilding initiatives. As a result, the 2022 NAP is often vague on specific issues and is too broad. Many experts in the field take issue with the fact that by women's participation in peacebuilding initiatives the State party understands greater involvement of women in the army and law enforcement agencies. Experts are concerned that is not enough for ensuring women's voices are heard at other levels including during the negotiations process.

Recommendations:

1. Ensure local CSOs are actively involved in the drafting and implementation of the National Action Plan for UNSCR1325.
2. Ensure state funding for the NAPs.

3. Ensure that UNSCR1325 is not merely an army recruitment program that the State party implements but a comprehensive policy aimed at increasing women's role at all decision-making levels, both diplomatic and military.

GENDER BASED VIOLENCE

Impunity Practices of sexual violence cases

Gender stereotyping, victim-blaming are serious problems when it comes to investigation and prosecution of sexual violence.

An example of this is a 30-year-old survivor of sexual violence who submitted a report on the attempted rape to the police, but the police refused to accept the case, stating that *"nothing major happened, there is no point to start a case"*. In a similar way, the police refused to accept the report of another 23-year-old woman who was subjected to violence.

Law enforcement bodies and the judiciary often ask a victim what clothes she wore at the time of the attack or confront them with victim-blaming questions. An example of this is a 33-year-old survivor of sexual violence: on the day of reporting in the investigator's room, the latter said loudly to his colleague in the presence of the survivor: *"Do you know what rape means? It is doing good by force"*. Moreover, during the questioning, investigators involved the ex-partner of the survivor and prosecutor asked her: *"Didn't you know if you stay alone with a man in a room, he can get excited?"*

Privacy

Privacy of survivor is not respected and the details of the case or sexual history of the victim become publicly available information shared with journalists.

An example of this is a 25-year-old survivor who was raped. Two days after the incident, an article appeared on one of the news sites, www.shamshyan.com¹², with the details of the incident, the personal data of women, which were still known only to the police officers. It is obvious that the details of the incident were revealed by the police officers. After some time, it became clear that several of her acquaintances identified the survivor as the person mentioned in the article.

Medical Services

Armenian legislation and practice create legal and practical obstacles to the realization of the right of sexually abused persons to receive medical care and services when they decide not to contact law enforcement authorities.

¹² See: <https://shamshyan.com/hy/article/2022/05/30/1214552/?fbclid=IwAR3Xyn1G-MOBenofGMoPioQRQhhytZ5d9eF27ILGBz7eagIB6hGpk5mLkOc>

According to an Order¹³ of the Ministry of Health, where there is a suspicion of violence, the medical professional has the obligation of mandatory reporting. Some survivors of sexual violence have refrained from seeking medical assistance, because of the fear that the crime would be reported and of subsequent repercussions with the police. This was true for a 36-year-old survivor, who had been raped by her former boyfriend and his two friends and had sustained other injuries in the attack. She reported to the SACC that she went the next day to her gynaecologist. When she informed the doctor what had happened and that she did not feel emotionally ready to report the case at this point, she was told by the doctor that as this was a case of rape, after examination the doctor would have to report the police. As survivor didn't want to report, she simply left. Such additional challenges prevent survivors from accessing necessary medical support.

Child Marriages

There is no separate regulation on child marriages in Armenia and usually in the case of child marriages the investigative bodies qualify the act as rape, without considering its differences and frequency.

One of 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. In another case, a 14-year-old girl got pregnant after having sex with an adult man, which was revealed in 8 months. The man's family came to "ask for her hand" from the girl's family and they wrote and signed on a handwritten paper that they would take care of the girl like their daughter. The girl stayed in that house as a "bride" for about 20 days, during which the man had sexual intercourse with her several times, after which the girl was constantly in pain.

Recommendations:

1. In line with the CEDAW Committee's General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 eliminate barriers and stigma discouraging women from reporting cases of gender-based violence, including sexual violence.
2. Put in place a gender-sensitive methodology for investigating and prosecuting cases of sexual violence.
3. Disseminate guidelines for the appropriate coverage by the media of cases of gender-based violence against women and girls.
4. Adopt and implement effective measures to encourage all media, including advertising and information and communications technologies to eliminate discrimination against women and girls in their activity, including harmful and stereotyped portrayal of women or specific groups of women and girls.
5. Make appropriate changes in the legislative acts, establishing an exception to the duty to report cases of violence to law enforcement agencies, regarding cases of sexual violence.

¹³ Order of the Ministry of Health of guaranteed free medical care, August 28, 2013, accessible (in Armenian): <https://www.arlis.am/DocumentView.aspx?docid=85065>

6. Establish a comprehensive evidence collection mechanism for sexual violence cases in healthcare facilities, based on a standardized "rape kit" model.
7. Establish the minimum age of marriage at 18 years and remove all exceptions to the minimum age of marriage.

INTIMIDATIONS AGAINST WOMEN RIGHTS DEFENDERS

Far-right groups and initiatives have targeted HRDs, with significant influence on public discourse. A relatively recent trend¹⁴ of targeting HRDs by these right-wing campaigns is particularly disturbing: false statements about "crimes" allegedly committed by HRDs are being filed to various law enforcement agencies to initiate criminal cases against HRDs on various charges. Such false statements have a considerable chilling effect on HRDs and their legitimate work.

Such complaints, for example, have been filed against HRD L. A., a co-founder of the WRCA, falsely accusing her of involving transgender people in Armenia into prostitution¹⁵, on one occasion, or disseminating pornographic materials on the official website of the organization that she represents¹⁶, on another. Although criminal investigations against L. A. have been terminated, these vexatious criminal claims against HRDs divert their energy and attention from their legitimate work towards fighting the false claims.

Intimidation against environmental activists that began back in 2016 persisted through 2022. Environmental activists, amongst which A. K. from "Armenian Environmental Front" Civic Initiative and journalist T. Y., are being frequently targeted by the mining company "Lydian Armenia." Between June 2018 and May 2019, Lydian Armenia filed 9 civic suits, of which 8 were related to defamation and staining business reputation, one such suit was filed against the journalist Y.. According to the environmentalists¹⁷ themselves, these defamation cases are a way of exerting psychological pressure on them: these cases take much of their time, while lack of financial means to cover attorney costs places them in an even more difficult situation.

Hate speech against HRDs

HRDs continue¹⁸ to be harassed and physically threatened in Armenia, online as well as offline. Since the resumption of armed conflict with Azerbaijan, human rights defenders and organizations have noted a significant **increase in threats and hate speech**.

Women HRDs become targets of hate speech and degrading statements many times in recent years because of their human rights work. A new wave of hate speech and hostility against woman HRD L.A.

¹⁴ See: [End harassment against human rights defenders and protect their legitimate human rights work – Human Rights House Yerevan \(hrhyerevan.org\)](#)

¹⁵ Article 261: Involvement into prostitution, Criminal Code of the Republic of Armenia (2003).

¹⁶ Article 263: Illegal dissemination of pornographic materials or items, Criminal Code of the Republic of Armenia (2003).

¹⁷ See: <https://issuu.com/humanrightshouseyerevan/docs/hrhmidreport2019en>

¹⁸ See: [Human Rights House Yerevan: Annual Report, 2019 – Human Rights House Yerevan \(hrhyerevan.org\)](#)

erupted after her speech at an event called “Civil Society-National Assembly Partnership Platform for equal rights and opportunities for women and men” on March 8, 2019. During this event, L. A. spoke of the necessity of incorporating into public policies the needs and interests of all groups of women, including poor, single mother, lesbian, trans and bisexual women, women with disabilities. A. received threats¹⁹ of being murdered, raped, seeing family members harmed. L. A. applied to the police and has been vocal since then on social media about threats against her. Despite her efforts, no one has been held accountable so far.

On April 5, 2019, LGBT rights defender, transgender woman L. M. gave a speech at the National Assembly of Armenia in which she discussed the challenges faced by the LGBT community in Armenia. This caused severe criticism by the chair of the Standing Committee on Human Rights and Public Affairs, which forced the LGBT rights defender to leave the room. From then on, she, her colleagues, and family members have faced intimidation and death threats.

On May 4, 2019, Sexual Assaults Crisis Center (SACC) organized a presentation of the book called "My Body is Personal" at Bookinist cafe. During the event, about 25 people broke into the cafe and made a disturbance because of which the event had to be cancelled. Days leading up to the event and afterward, an organized campaign and "witch hunt" against WHRDs were persistent. Threats and harassment were not new to the SACC and WRC teams and continued from them on.

Z. M., a HRD and an investigative journalist dealing with the human rights of life-sentenced prisoners, became a target of threats and a smear campaign in January 2019 because of her activism, as her husband, a life-sentenced prisoner, applied for pardon petition.

Recommendation:

1. to provide support for HRDs in post-conflict situation and issue public condemnation of attacks on HRDs and their families when they occur; to take a strong public stance against cases of threats and harassment against HRDs to send message of accountability.
2. to continue the efforts towards adopting comprehensive legislation on combating hate speech providing, inter alia, specific protection to HRDs.
3. to ensure impunity does not occur; by launching and supporting proper and independent investigations into attacks and smear campaigns against HRDs, especially of women HRDs and LGBTQI activists.
4. to compile statistics on attacks on HRDs, along with information related to their investigations.

WOMEN IN DECISION-MAKING POSITIONS AND POLITICAL PARTICIPATION

The Global Gender Gap Index 2021 puts Armenia at 132nd place for political empowerment, ranking 25th out of 26th among countries in the region.²⁰

¹⁹ See: [Human Rights House Yerevan: Annual Report, 2019 – Human Rights House Yerevan \(hrhyerevan.org\)](https://hrhyerevan.org/)

²⁰ See: https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

Until the snap Parliamentary elections on June 20, 2021, women comprised 23% of the deputies in the National Assembly of Armenia. There are no women among members of the core executive authorities and only one woman Minister (the current Minister of Health) and only 5 out of 12 ministries with women deputy ministries, with only 8 women deputy ministers total (out of 40).²¹

At local levels, there is only one female governor (out of 12 governors) and 1 female mayor (out of 46 mayors), and only 9% of local municipal councillors are women²².

At the level of the judiciary, where 25% gender quotas have been established, 27% of judges are women. However, the percentage of female judges at higher levels is significantly lower, and there is only 1 woman member of the Supreme Judicial (out of 10 members).²³

There exist various obstacles to women's political participation, including gender stereotypes and cultural factors such as patriarchal and traditional family values deprive women's leadership and advancement.

Recommendation:

1. Develop mechanisms to increase the number of women on the level of core leadership in legislative and executive bodies.
2. Build the capacities of political parties' members on gender mainstreaming principles and approaches.

²¹ See: OxYGen Foundation, Women's Political participation in the Republic of Armenia, 2022

²² Ibid

²³ Ibid