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The Human Rights Defender of the Republic of Armenia

Written Submission of the Human Rights Defender of Armenia to the 83rd Session of the Committee on the Elimination of Discrimination against Women on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

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LIST OF ABBREVIATIONS

Abbreviation	Definition
Human Rights Defender of Armenia	HRD
Domestic violence	DV
Gender-based Violence	GBV
Action Plan	AP
Violence against women	VaW
Law “On prevention of DV, protection of persons subjected to DV and restoration of family solidarity”	the Law
National Strategy for Human Rights Protection	NSHRP
Civil Society Organizations	CSO
Council on Women’s Issues	CWI

Introduction

The Office of the Human Rights Defender of the Republic of Armenia is an Ombudsman and National Human Rights Institution with the highest "A" international status, functioning in accordance with Paris and International Principles. The Human Rights Defender is an independent official who observes the maintenance of human rights and freedoms by public and local self-government bodies and officials, as well as, in cases prescribed by the law, by organizations operating in the field of public service. The Defender also facilitates the restoration of violated rights and freedoms.

Definition of equality and non-discrimination

1. In 1993, the Republic of Armenia ratified the Convention on the Elimination of All Forms of Discrimination against Women. In 2013, the Law "On Ensuring Equal Rights and Equal Opportunities for Women and Men" of Armenia was adopted. Regardless of the existing national legal regulations, there are still insufficient legal and practical guarantees for factual equality between women and men which inter alia leads to an increased number of cases of violation of women's rights and of discrimination.

2. The HRD is actively promoting and publicly demanding from authorities to adopt the Draft Law on "Ensuring Equality" which has been discussed since 2017. HRD has been vocal about the fact that the lack of comprehensive and effective legislation, including the Equality Law, is a problem for rights and freedoms enshrined in the Constitution as well as Armenia's commitments under a number of international instruments including CEDAW. This issue is being raised in HRD's annual reports ¹ as well as in HRD's proposals regarding the 2023-2025 AP for the NSHRP.

3. According to the draft Law on "Ensuring Equality", the Equality Body will function adjunct to the HRD. According to HRD's assessment, there is clearly a hesitation from the side of the Ministry of Justice to advance the draft though, the Ministry has publicly expressed readiness to finalize the Draft and send it to Parliament.

Recommendations

- (a) Take effective measures in relation to the immediate adoption and implementation of the Law On "Ensuring Equality".*
- (b) Ensure the implementation of the recommendations submitted by the HRD in the 2023-2025 AP deriving from the NSHRP.*

¹ <https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>, p.787

Women's rights and gender equality in relation to the pandemic and recovery efforts

4. The challenges to women's rights during the pandemic were numerous. The restrictions of the state of emergency have increased the risk of DV, especially against women, children, and older persons.

5. A working group was established in the HRD's Office aimed at addressing the DV-related issues by monitoring and summarizing the written and oral complaints addressed to the HRD, and the rapid and effective discussion and resolution of problems with competent state bodies and partner CSOs. The working group also regularly monitored the trends quantitative increase of the complaints addressed to HRD and the new issues related to DV resulting from the restrictions. During this period, the HRD simplified the procedure of response to the cases of DV, providing for response-based verbal complaints and alarming calls. The Defender's Office published an informative video about DV, possible support mechanisms, and hotline phone numbers.²

6. An increase in cases of DV has been registered during the pandemic. The Coalition to Stop VaW warned that a 30% (March) and 50% (April) increase in DV hot-line calls during the state of emergency were recorded. The statistics of DV and VaW complaints addressed to HRD's Office during 2019-2021 confirm the trend. Hence, in 2019: 91 applications-complaints regarding DV were addressed to the HRD, in 2020: 127 applications-complaints (the number of applications-complaints increased by about 39.6 percent during the comparable period), and in 2021: 105 applications-complaints.

7. No meaningful rules were enforced for DV cases under the regime of the state of emergency. Besides, in partnership with CSOs, HRD registered cases of inappropriate response to DV, which were the result of gaps in DV legislation and practice.

Recommendation

(a) Enhance practical guarantees through developing and enforcing standard procedures by the state's first responders in crisis situations, including during pandemics.

Access to justice and legal complaint mechanisms

8. The inappropriate state response to female DV victims remains a concern, which is a result of the entrenched stereotypes regarding DV and gender issues. This is also confirmed by the complaints addressed to the HRD. Persons claimed that Police advised them to provide incomplete information about the incident

² <https://ombuds.am/am/site/VideoGalleryView/400>

when submitting a report, taking into consideration the expected adverse consequences on the person who committed violence. This problem is particularly widespread in regions.

9. The insufficient awareness of women of their rights in its turn results in the ineffectiveness of the protection mechanisms.

Recommendation

- (a) Implement training for professionals responding to violations of women's rights, including cases of GBV and DV, targeting the stereotypes of the female gender and DV in society.***
- (b) Raise awareness of women on their rights and protection mechanisms;***
- (c) Promote the involvement of trained women in law enforcement and judicial systems; since more female officers and professionals in the justice system will lead to gender-sensitive approaches.***

National human rights institution

10. For the purpose of the full operation of the mandate of the HRD, the financial resources provided to the HRD's Office, a separate line from the state budget, tend to increase every year. In particular, in 2019, the Defender's Office received 454,915,700 AMDs, in 2020: 515,412,300 AMDs, in 2021: 532,166,900 AMDs, and in 2022: 532,166,900 AMDs³. For the 2023 Budget cycle, HRD has requested an increase to inter alia open the 5th regional office. Currently, HRD has regional offices in 4 out of 11 regions of Armenia.

Recommendation

- (a) Increase the funding for the activities of HRD in Yerevan and regions.***

National machinery for the advancement of women

11. In 2019 the CWI chaired by the Deputy Prime Minister was established, which is a multi-stakeholder platform. Among many factors, the effectiveness of CWI activities is conditioned by regular meetings. The HRD considers an issue that the minimum periodicity of the sessions of the Council is not fixed in legislation and in practice the sessions are not held in proper regularity (almost once a year; the last session was held in march 2021). The representatives of HRD are involved in the activities of CWI.

12. To alleviate this concern, as well as in order to strengthen the women's agenda within the framework of her mandate, the Defender created the Council on Women's Rights on August 25, 2022, which is a consultative body and is composed of representatives of CSOs in the field. The Council targets issues such as legal and economic empowerment of women, ensuring legal equality, stimulation of political participation,

³ USD 2019 - 1.106.850 \$; 2020 - 1.254.044 \$, 2021 - 1.294.809 \$.

prevention of VaW and GBV, their recording and provision of support, and the inclusion and advancement of women in the law enforcement system, and the Armed forces, the monitoring, and evaluation the implementation of strategies and programs, awareness-raising campaigns about the rights of women and girls, educational and professional training programs, etc. A minimum 6 months frequency of meetings is set for this Council. The first session of the Council on Women's Rights took place on September 9, 2022⁴. During the session, the HRD presented the Concept and AP of promoting the involvement of women in the law enforcement system.

Recommendations

(a) Activate the work of CWI including through more frequent meetings.

(b) Support the HRD's Council work and contribute to the promotion of women's participation in the law enforcement system, including the Police, by implementing targeted measures and gender-sensitive policies.

Women human rights defenders and civil society organizations

13. The disproportionate targeting and persecution of human rights defenders working on women's issues, as well as online sexism towards female public figures remain worrisome.

Recommendations

(a) Enforce a comprehensive anti-harassment policy, including online, that will also take into account the specifics of targeted vulnerable groups,

(b) Conduct training directed at addressing the problem comprehensively.

Stereotypes

14. The most influential source of information in Armenia are the TV channels, some of which are spreading content that multiplies the existing stereotypes about women's role in society. The competent state body responsible for enforcement of tele-legislation should more effectively react to and address these types of cases, which is not the case.

15. Since 2019, the strategy and AP to combat DV is being developed and has not been adopted. The Draft was discussed and circulated a number of times and HRD recommended special courses and training for concrete professionals to fight the existing stereotypes.

⁴ https://www.ombuds.am/en_us/site/ViewNews/2339

16. Stereotypes cultivate more sex-selective abortions. According to 2021 official statistics, the gender ratio remained at 1.10 in 2020 compared to 2019 and decreased compared to 2018. The same data suggests that the gender ratio did not increase in 2020, which is a positive change, but from a general point of view, the issue continues to remain with the same relevance.

17. Despite existing legislation and particularly due to its gender-neutral nature, women continue to face labor rights restrictions and discriminatory treatment in the workplace. The cases of labor rights limitations for women are mainly the result of the lack of additional guarantees regarding the realization of these rights, as well as existing stereotypes regarding women's employment, involvement in specific jobs, and, in general, the role of women and the lack of gender-sensitive and gender-promoting regulations.

Recommendations

(a) immediate adoption of the Strategy and AP to combat DV

(b) ensure the application of national legislation, including dissuasive sanctioning, to prevent TV content from promoting the stereotypical roles of women

(c) establish additional incentives through mass media, including through educational programs, to emphasize the role of women as decision-makers and equal members of society.

Gender-based violence against women

18. Immediate intervention or protective measures are not envisaged for a minor or a legally incapacitated person; current and ex-partners are excluded from the DV subjects list. The procedures for protective orders don't comply with international standards. At odds with the requirement of the Istanbul Convention, it's effective from the moment of notification to the person who committed violence, and the decision on precaution measures can be appealed, suspending the application of the decision.

19. Another issue is the incompleteness of the institution of liability. International practice proves - the criminalization of DV is an effective measure. Despite the adoption of the new Criminal Code in 2021, as a result of which certain acts were criminalized, the fact that DV and all acts considered DV, including stalking, are not criminalized remains problematic.

20. Procedural guarantees of adequate protection of victims of DV and VAW in accordance with international standards are not envisaged. In cases of DV, the regulations on cases investigated by public and private charges don't comply with international standards - DV cases can become the subject of an investigation by public charges only depending on the status of the victim.

21. The HRD continuously raises that state support to victims of violence is a challenge due to the insufficient level of availability of shelters and services. Currently, there are two shelters.

22. Since the adoption of the Law, centralized recording of accurate and systematic statistical data was not carried out, despite the legal requirements.

Recommendations

- (a) Improve the legislation aimed at the prevention and protection of DV victims, including by amending the Law, and expanding the scope of the application of DV in compliance with international standards;*
- (b) Amend the criminal legislation, complying with international standards regarding VaW and DV, particularly envisaging responsibility for all acts considered to be DV against women, including stalking;*
- (c) Ensure procedural guarantees for the adequate protection of DV victims, including improving the legal regulations of DV cases investigated under public and private charges;*
- (d) Run unified, comprehensive, and systematic state statistics of DV cases;*
- (e) Ensure access to a sufficient number of shelters and state-funded services covering all the regions.*

Trafficking and exploitation of prostitution

23. The HRD regularly raises particular issues of this crime during various discussions in Yerevan and regions and conducts training for different target groups, including the representatives of state bodies. The representatives of the Office of the HRD are involved in the Council on Combating trafficking and human exploitation in RA and the working group adjunct to the Council.

24. The activities aimed at improving the legislation could be considered a positive development. In particular, indicators for identifying a person as a victim or a victim of a special category, as well as drafts of legal acts on minimum quality standards regarding the provision of housing and physical, psychological, counseling, and legal assistance and care to potential victims, victims and victims of a special category of human trafficking and exploitation, including, in the relevant institution, were developed, which were also reviewed by the HRD.

Recommendations

- (a) Continue improving legislation and carrying out awareness-raising campaigns on the phenomenon of human trafficking and exploitation, prevention methods, and protection mechanisms available in such cases,*

(b) Implement targeted programs aimed at the economic empowerment of women and girls.

Participation in political and public life

25. Women's participation in political and public life remains low, despite the fact that women in Armenia are more advanced in education⁵. Among the various obstructing factors are the existing stereotypes and discriminatory perceptions about women's and girls' roles, capabilities, and involvement in public life. Usually, they are not considered decision-makers, policymakers, and implementers.

26. Despite the welcomed amendments to the Law on Political Parties and the Electoral Code, aimed at encouraging women's political participation, women remain underrepresented in decision-making positions. The only exception is the Parliament, where women make up more than 33% as a result of the continuously increasing gender quota. In the executive branch, only 1 out of 12 portfolios is occupied by a woman. No security and law enforcement body is headed by a woman; the Security Council has no single female member. Although the Parliament elected a female Prosecutor General, she is still to occupy the position. Out of the 11 regions, only one is headed by a female Governor, and out of a total of 502 communities, only 8 are led by females.

27. The Judiciary has 26% women representation due to the 25% quota with fewer women in higher instances. This is significantly lower than the minimum critical requirement provided by the Council of Europe, implying that certain factors obstruct women's participation in this field. The current imbalance can be explained by the online and offline sexism disproportionately affecting the situation.

28. In 2020-2021 the HRD launched a "#set an example" campaign⁶ aimed at positive role modeling of successful women. The objective was to combat stereotypes and to inspire society with the success stories of women with different professions and occupations from various regions.

29. In 2022 the awareness-raising campaign of the HRDO was developed in 4 directions: GBV/DV, Hate speech against women human rights defenders and public/political leaders, Women's political empowerment, and participation in decision-making, Gender equality in the labor market (preventing sexual harassment and advancing women's economic empowerment, which is being implemented through different methods (online platforms, social network, banners, flyers, etc.) targeting the different groups of the society.

5

https://www.eeas.europa.eu/sites/default/files/documents/Country%20Gender%20Profile_%20ARMENIA_ENG.pdf?fbclid=IwAR1eI3JJua7JcsH_OgoPYw-S5_fOb-J8XrHdA72Kt9gj1kulmw3k7U9gyBU, p. 32

⁶ https://www.ombuds.am/en_us/site/search?q=set+an+example+

Recommendations

- (a) Introduce targeted programs aimed at encouraging women's political and social participation*
- (b) Assist in the activities of the Public Council on Women's Rights adjunct to the HRD.*

Employment

30. The issues related to the inequality of men and women in the labor market remain systematically unresolved. Despite existing legislation and the apparent absence of discriminatory provisions in legal acts, women continue to face restrictions on their labor rights and discrimination.

31. The lack of legislative and effective response mechanisms to prevent sexual harassment in the workplace is extremely concerning.

32. In addition women face problems when returning from maternity leave. This systemic issue creates obstacles for women to compete in the labor market, which must be considered from two different views: First, parents face issues while arranging childcare, and later face complications when they return from childcare leave. The issue is related to the fact that, in this case, they might not objectively have the same capabilities as their colleagues.

Recommendations

- (a) Promote the opportunities for women by considering their educational, economic, and social potential and applicability in the relevant sectors of the labor market,*
- (b) Develop and implement concrete measures ensuring transparent and effective competition between men and women in the labor market,*
- (c) Implement programs to reintegrate women returning from maternity leave into the workplace,*
- (d) Develop more effective mechanisms for organizing childcare in preschool educational institutions until the end of the parent's working hours.*

Health and Women With Disabilities

33. The accessibility of medical services for vulnerable groups, women with disabilities, and to persons in penitentiary institutions remains problematic. Problems especially arise for women with disabilities, who face obstacles while trying to access medical care due to discrimination for various reasons, including the inaccessibility of medical services, inadequate training of medical personnel, and stereotypic or inappropriate treatment. These women face many obstacles and problems, especially when exercising reproductive health rights. Special measures are not taken in relation to the realization of the rights of women with disabilities, and the issue remains systematically unresolved.

Recommendations

- (a) Ensure effective implementation of various medical services to ensure access of women to health services, ensuring that women can be fully examined and receive appropriate medical care.*
- (b) Increase the professional knowledge of health workers to guarantee the adequate provision of these services without discrimination.*
- (c) Ensure the physical accessibility of shelters and support centers and the relevant services for women with disabilities who have been subjected to DV.*
- (d) Conduct training for social workers, and the employees of the competent state bodies, on the socio-economic rights of women with disabilities and the possibilities of their realization in practice,*
- (e) Continue making consistent efforts to increase the proper awareness of medical service providers regarding the reproductive health care rights of women with disabilities.*