

ARMENIA

CEDAW A/52/38/Rev.1 (1997)

35. The Committee considered the initial report of Armenia (CEDAW/C/ARM/1 and Corr.1) at its 344th, 345th and 349th meetings, on 14 and 16 July 1997 (see CEDAW/C/SR.344, 345 and 349).

36. The representative of Armenia emphasized that, after the declaration of independence in 1991, Armenia had begun the implementation of economic and political reforms. The process of transition to a market economy had been affected by the blockade of the main transportation routes, a severe energy crisis and the damage inflicted by the devastating earthquake of 1988. Despite social and economic difficulties, the Government of Armenia attached great importance to the international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which it had acceded in 1993 without reservations. To secure the sufficient implementation of the Convention, the Government had started to carry out legal reforms aimed at adjusting existing legislation to international norms and standards specified in that instrument. The Fourth World Conference on Women had marked a turning point for women's rights in Armenia. 37. The representative noted that the initial report had been submitted to the Secretariat in 1995. The report had been prepared during the period of economic and political restructuring and the blockade on goods, services and energy imposed by Azerbaijan and Turkey and in a situation of continuing conflict between Nagorny Karabakh and Azerbaijan.

38. The report had been prepared in cooperation with the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Health and appropriate commissions of the National Assembly. The corrigendum, dated 11 February 1997, replaced part of the original report and reflected changes resulting from the adoption of the Constitution in 1995, developments in the legal framework and actual conditions for Armenian women.

39. The representative informed the Committee that there was no special institution responsible for the protection of women's rights. The Ministry for Social Security and the Centre for Democracy and Human Rights were the main institutions currently responsible for women's issues in the country.

40. The representative of Armenia outlined the political, economic and legal situation in Armenia and its impact on the status of women. He stated that the new Constitution underlined the principle of equality of human rights of women and men. Legally, women enjoyed full guarantees against discrimination but the difficult socio-economic situation in the country had not always allowed their full implementation. That situation, which had resulted in a drastic decline in the standard of living, an increase in the unemployment rate and impoverishment, had affected women more than men. Hence, the Parliament had adopted in 1991 a resolution on urgent measures for the protection of women, maternity and childhood and the strengthening of the family, which granted supplementary rights to women and mothers, especially single mothers, in the areas of work and social security. A national programme of action had been launched, inter alia, to disseminate laws on protection of

women's rights and to establish information and legal counselling services.

41. In Armenia, a majority of women had achieved a high level of education and often outnumbered men in the area of higher education. However, women accounted for a higher level of unemployment than men and occupied few positions at all levels of decision-making. Women in the labour market were usually concentrated in traditional female occupations. In spite of the low representation of women in governmental positions, they were active in social and economic life. During recent years, more than 30 women's organizations had emerged in the country and covered a wide spectrum of issues, including the preparation of women for leadership roles in society and the protection of their rights.

42. With regard to women's reproductive health, the representative noted that women had the right to abortion until the fourteenth week of pregnancy. He stated, however, that in reality abortion was the primary method of birth control in Armenia and there was a lack of family planning services. The Government was taking measures to disseminate information about contraceptives and to improve their availability.

43. The representative indicated that the Government of Armenia was particularly concerned about the large number of refugees in the country, with women constituting the majority, and was implementing a wide set of measures aimed at their integration into social and economic life.

44. The representative concluded by stating that the Government of Armenia recognized that much remained to be done to achieve full equality between women and men. He assured the Committee of the willingness of the Government to continue to take all the necessary measures to implement the principles of the Convention.

Concluding comments of the Committee

Introduction

45. The Committee welcomed the presentation by the Government of Armenia and commended it on its ratification of the Convention without reservations so soon after independence in 1991 and on the timely submission of the initial report, which contained detailed information about the implementation of the Convention in accordance with the Committee's guidelines. It expressed its appreciation of the willingness of the representatives of Armenia to engage in an open, candid constructive dialogue with the Committee.

Positive aspects

46. The Committee commended the Government on its effort to carry out reform of its laws so as to align them with the standards of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women.

47. It noted with satisfaction the incorporation of the Convention in domestic law, and its

precedence over conflicting national legislation. The Committee welcomed the fact that the Government had translated the Convention into Armenian and disseminated it widely.

48. The Committee acknowledged favourably the Government's intention to introduce a fundamental legal reform within the ongoing revision of the criminal code, in respect of violence against women and their sexual exploitation through prostitution and trafficking.

49. The Committee observed with satisfaction the exceptionally high level of literacy and education in Armenia, in particular among women.

50. The Committee commended the Government on its identification of four priority areas of concern in relation to women's health, and on its programme to establish a system of family planning services and to provide contraceptives to women free of charge.

Factors and difficulties affecting the implementation of the Convention

51. The Committee noted that the immediate effect of the competitive politics introduced as a result of democratization in Armenia had been adverse to the position of women. This was reflected in their dramatic loss of representation at all levels of decision-making.

52. The Committee also noted that the process of transition to a market economy appeared to have resulted in the economic marginalization of women, exacerbated by the economic toll of the 1988 earthquake, and the armed conflict around Nagorny Karabakh.

53. The Committee noted cultural stereotypes which overemphasized the traditional role of women as mothers in a protective and restrictive way.

Principal areas of concern

54. The Committee expressed and reiterated its gravest concern about the absence of a specific national machinery for the advancement of women and the elimination of discrimination against women.

55. The Committee was extremely concerned that the Government of Armenia had until now failed to acknowledge and address the matter of violence against women, which appeared to be a subject of taboo in Armenian society, although there were many indicators of it being as serious a problem as in other societies.

56. The Committee was also extremely concerned about the high rate of unemployment (over 60 per cent according to the report), the occupational segregation of women in low-paying sectors and the small number of women in positions at the senior management level.

57. The Committee expressed its concern about the fact that there were no policies and programmes in place to guarantee security and social benefits to women who worked in the informal sector.

58. The Committee also noted with concern the paternalistic restrictions imposed by the labour laws, which were aimed at protecting maternity and resulted in the legal limitation of women's employment opportunities and choices.

59. Similarly, the Committee was concerned about the Government's report of increasing prostitution, especially in relation to the limited economic options for women in Armenia. The Committee noted the lack of access of women engaging in prostitution to appropriate health services, including for the prevention and care of HIV/AIDS.

60. As to the subject of women's health, the Committee expressed its deep concern with regard to the Government's plan to consider proposals for privatization of the health system. The Committee emphasized the adverse effects for women and other vulnerable groups of privatization in the health area, even in highly developed countries.

Suggestions and recommendations

61. The Committee strongly urged the Government of Armenia to establish a national machinery for the advancement of women, fully staffed and resourced, so as to integrate the perspective of women's human rights and gender analysis into all ongoing policy-making and strategic development planning activities.

62. The Committee recommended that the Government take temporary special measures to create employment opportunities for women, including special credit and loan programmes for women entrepreneurs.

63. The Committee also recommended that temporary special measures be adopted to remedy the severe decrease in the political representation of women since independence, and to increase their participation in all areas of public life.

64. The Committee further recommended that the Government give due attention to the subject of violence against women, by encouraging a public discussion of its various forms, initiating appropriate legislation, training law enforcement officers, judges and health professionals, including adequate numbers of female personnel, to identify, manage and eliminate the manifestations of violence against women, and by guaranteeing that the necessary psycho-social and health services are available to victims of violence, with particular attention to internally displaced and refugee women.

65. The Committee strongly urged the Government to use the education system and the electronic media to combat the traditional stereotype of women "in the noble role of mother" and to raise awareness of the role of men in caring and their responsibility for parenting.

66. The Committee suggested that there was a strong need to collect information and sex disaggregated data in all areas, in particular as regards violence against women, prostitution and

health.

67. The Committee suggested that in the planning and implementation of privatization policies and programmes the Government of Armenia should ensure that it fulfilled its social responsibilities and obligations under international human rights law so that its policies and programmes would not deprive women and other vulnerable groups of enjoyment of their human rights, especially in the area of health.

68. The Committee requested the Government to address the concerns included in the present comments in its next report, and to include information on the implementation of the Committee's general recommendations, particularly general recommendation 19 on violence against women. It also requested the wide dissemination of these comments throughout Armenia.

CEDAW A/57/38 part III (2002)

25. The Committee considered the second periodic report of Armenia (CEDAW/C/ARM/2) at its 571st and 572nd meetings on 7 August 2002 (see CEDAW/C/SR.571 and 572).

(a) Introduction by the State party

26. In introducing the report, the representative of Armenia informed the Committee that the Government had sought to implement the recommendations and suggestions in the Committee's concluding comments on Armenia's initial report, but despite its best efforts, 10 years had not been sufficient for Armenia to solve the problems it had faced as a result of transition, a devastating earthquake, a blockade and other extremely difficult circumstances.

27. In May 2002 a decree of the Prime Minister had created the position of Deputy Minister for Women's Issues within the Ministry of Social Security. The Deputy Minister heads the Department of Women's Affairs, coordinates all women-related activities of other ministries, ensures collaboration with women's non-governmental organizations (NGOs) and enforces compliance with the Convention. By the same decree, two commissions for women's issues had been established, the first to develop the "National Programme and Plan of Action for the Improvement of Women's Status and the Enhancement of their Role in the Society" and create mechanisms for its implementation, and the second to deal with trafficking of women.

28. The Government was aware of the crucial role of NGOs in the advancement of women. NGOs had traditionally worked in close collaboration with government entities, but four NGO representatives had been included in one of the commissions, thereby allowing for more direct cooperation, including in the design and implementation of government programmes. Women's NGOs and the Ministry of Social Security had collaborated on the creation of the "Ororots" or "Cradle" Programme, which supported pregnant women and newborns. The Ministries of Health and Social Security and NGOs were also planning additional projects aimed at improving conditions in maternity wards in the light of the maternal mortality rate, which had increased from 32 per 100,000 from 1995 to 1997 to 42 per 100,000 between 1998 and 2000.

29. Although there was no legal impediment to women standing for election to the National Assembly, there were only four women in the 131-member National Assembly. A fair and transparent environment needed to be created with sufficient financial resources and the removal of social, cultural and psychological barriers to encourage a greater number of women to run for office; however, partly as a result of training and seminars by NGOs, data indicated that more women would run in the regional and municipal elections scheduled for 20 October 2002 than in previous years.

30. The representative indicated that the Ministry of Social Security planned to create new employment opportunities for women, implement special zero-interest microcredit programmes in urban and rural areas to support women entrepreneurs, promote the activities of women in small

and medium-sized businesses and increase the financing given to state-operated day-care facilities. One of the most important goals of the Ministry of Social Security was the removal of discrimination against women through the reduction of poverty and a “Poverty Reduction Strategy” had been presented to the public for discussion.

31. The representative indicated that, since its independence, Armenia had signed and ratified over 40 international instruments on human rights, a number of which were directed at the protection of women’s rights. Armenia had signed the United Nations Convention against Transnational Organized Crime and its supplementary Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air, and the Rome Statute of the International Criminal Court, and it was envisaged that those instruments would be ratified during the fall session of the National Assembly. In addition, Armenia had become a full member of the Council of Europe on 25 January 2001 and signed the European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols. Under the Decree by the President of Armenia, a special working group was set up, which would develop recommendations on legislative reforms and practical measures aimed at compliance with the requirements of the Convention. National legislation affirmed the notion of equality of rights for everyone in all spheres, equality of opportunity for women and men in health care, education, economic opportunities, employment and the administration of justice.

32. The Constitutional Court assessed whether the obligations in international instruments were in compliance with the Armenian Constitution prior to their ratification. On ratification, treaties became an integral part of the Armenian legal system, with Article 116 of the Constitution providing that laws and other legal acts of the Republic of Armenia should apply to the extent that they did not contradict the Constitution. Draft legislation was submitted to international experts in order to assess their compliance with Armenia’s international obligations, especially in the field of human rights.

33. Trafficking in women was a comparatively new phenomenon in Armenia and was not directly addressed in legislation. Some of the components of trafficking, such as illegal border crossing and the preparation of forged documents, were punishable under current laws, and a number of articles in the Criminal Code, including those on rape, sex with minors, bogus marriage, polygamy, pimping and kidnapping, were also relevant. A special inter-ministerial working group tasked with elaborating appropriate programmes of action, proposing necessary legislative reforms or amendments and designing concrete projects had recently been formed, and television programmes, articles and awareness-raising campaigns had also addressed the issue. The Government believed that the provision of qualified assistance and professional consultation on migration issues would reduce the risk of trafficking for potential migrants and, accordingly, in March 2002, the State Department for Migration and Refugees established a “Migrants Service Point” (MSP), which was also implementing trafficking prevention programmes.

34. The representative indicated that, although reported rates of crimes against women in the home were very low, it was generally acknowledged that they were underreported because of the desire to keep the family together for the sake of the children, financial dependence or fear of public opinion. Social and economic conditions also prevented reporting and prosecutions. Although the

Criminal Code regulated acts of violence against women in general, there was no specific legislation on domestic violence, and large numbers considered that a man was justified in beating his wife in certain situations. The representative indicated that public attitudes towards the legal system were negative and consequently resort to courts was unusual. An anti-corruption strategy and action plan were developed and submitted for the approval of the Prime Minister by the Joint Working Group on Anti-Corruption.

35. The representative stated that the transition to a market economy had not been a gradual process, but had been fragmented and the impact on the State economy had been significant. Although 98 to 99 per cent of the population was literate, 55 per cent lived in poverty and about 66 per cent of the unemployed in Armenia were women. In general, women were employed in less mobile and consequently non-competitive situations in the labour market, which resulted, inter alia, in a decrease in their standard of living. Currently, social security and benefits were reduced to a minimum for categories such as single mothers, mothers with more than one child and those with disabilities. There had also been budget reductions in health, education and culture. Many mothers had chosen to place their children under State guardianship, and the Ministry of Social Security together with UNICEF were monitoring orphanages as well as families which had placed their children in those facilities. As a result, many children would be returned to their families and would receive some financial assistance.

36. In concluding, the representative emphasized the commitment of the Government of Armenia to improving the situation of women and securing de jure and de facto equality between women and men. The challenges facing women had become more clearly articulated in recent years, the number of women's NGOs had significantly increased and society was becoming more conscious of gender issues. The public perception of gender roles had not changed significantly, but there was greater consciousness of the necessity of changing the existing situation.

(b) Concluding comments of the Committee

Introduction

37. The Committee commends the State party on its second report, which was presented in a timely manner. It also commends the State party for the written replies to the questions of the Committee's pre-session working group, and the frank oral presentation of the delegation that sought to clarify the current situation of women in Armenia, and provided additional information on the implementation of the Convention.

38. The Committee congratulates the State party for the high-level delegation headed by the Permanent Representative of Armenia to the United Nations and the Deputy Minister for Social Security. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

Positive aspects

39. The Committee welcomes the establishment of a national machinery for the advancement of

women through the creation, in May 2002, of the position of Deputy Minister for Women's Issues in the Ministry of Social Security to coordinate all the activities of other ministries with regard to women and to ensure collaboration with women's NGOs.

40. The Committee expresses satisfaction at the continuing achievements of Armenian women in the field of education, particularly in the technical and scientific areas, including new technology.

41. The Committee welcomes the growing number of non-governmental organizations that play a prominent role in promoting women's empowerment in Armenia and appreciates that the State party has included four NGO representatives in its Commission on Human Rights.

Principal areas of concern and recommendations

42. The Committee is concerned that women are underrepresented in decision-making and political bodies, in particular in the National Assembly where they hold only 4 out of 131 seats. The Committee is concerned that women's skills and potential are not sufficiently utilized in Armenia's efforts to battle the serious economic and social challenges the State party is facing, including the refugee problem. The Committee is also concerned that, despite their participation in the NGO sector, women are not active in politics generally, and that their level of participation in political parties is less than 20 per cent.

43. The Committee recommends the adoption and implementation of measures to increase women's participation in the political sphere and to consider applying temporary special measures set forth in article 4, paragraph 1, of the Convention, such as quotas. The Committee recommends that the State party offer support training programmes for current and future women leaders and carry out awareness-raising campaigns on the importance of women's participation in political decision-making.

44. The Committee notes that, despite the growing number of NGOs active in women's empowerment, the cooperation between the State party and non-governmental organizations in the implementation of the Convention and the preparation of the report has been limited.

45. The Committee encourages the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including in policy-making.

46. The Committee expresses concern at the prevalence of violence against women and that the current legislation on violence does not include any specific provisions on domestic violence. It is concerned that the current penalties for rape are very light and can suggest to the community that this infringement of human rights is not a serious crime.

47. The Committee urges the State party to recognize that violence against women, including domestic violence, constitutes a violation of the human rights of women under the Convention and requests the State party to place a high priority on the introduction of comprehensive and holistic measures to address violence against women and girls in the family and society. It calls on the State party to ensure that such violence is prosecuted and heavily penalized. Drawing on its general

recommendation 19, the Committee requests the State party to enact legislation on domestic violence, and to ensure that victims have immediate means of redress and protection. It recommends that measures be taken to provide shelters for women and girl victims of violence and to ensure that all public officials, in particular law enforcement officials and the judiciary, as well as health providers and social workers, are fully sensitized to all forms of violence against women and girls. The Committee also recommends that the State party undertake awareness-raising measures, including zero-tolerance campaigns through the media and public education programmes, to ensure all forms of violence against women and girls, including domestic violence, are regarded as morally and socially unacceptable.

48. While noting the establishment of the Migrants Service Point as part of an anti-trafficking strategy, the Committee is concerned at the absence of a comprehensive policy, including legislation, to combat trafficking in women and girls. The Committee is also concerned that current legislative provisions to address components of trafficking may exacerbate the situation of victims, rather than discourage perpetrators.

49. The Committee urges the State party to assign the issue of trafficking in women and girls high priority through the formulation of a comprehensive strategy to combat this crime, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation with countries of origin, transit and destination of trafficked women. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee calls on the State party to ensure that trafficked women and girls have the support they need so that they can give testimony against perpetrators of trafficking and urges training of border police and law enforcement personnel so that they have the skills necessary to recognize and provide support for victims of trafficking.

50. The Committee expresses concern at the lack of information in the report and in the responses on prostitution and that the State party has not made sufficient efforts to address the issue of exploitation of prostitutes.

51. The Committee requests the State party to provide information on prostitution in its next periodic report and to formulate and implement a comprehensive programme to address this phenomenon, including through the enactment of legislation against exploitation of prostitutes.

52. The Committee expresses concern that budget cuts in the health-care system severely limit women's access to health care. It is concerned about the status of women's health, especially their reproductive health, and the increase in the rate of maternal mortality. The Committee is concerned at the widespread use of abortion as a commonly used means of birth control, particularly in rural areas.

53. The Committee urges the State party to maintain access to affordable and adequate health care. Drawing attention to its general recommendation 24 on women and health, the Committee calls on

the State party to ensure the availability and accessibility of affordable contraceptive means to both women and men as part of a comprehensive health policy. The Committee encourages the State party to promote programmes of sex education for both girls and boys. The Committee calls on the State party to take all appropriate steps to foster responsible sexual behaviour and take all appropriate steps to stop the use of abortion as a means of birth control.

54. The Committee is particularly concerned that deeply rooted patriarchal attitudes in the family and society persist despite the high level of education that women have achieved.

55. The Committee recommends that the State party take urgent and wide-ranging measures, such as the revision of curricula and textbooks and the implementation of awareness-raising programmes, including specific programmes targeting men and boys, to change stereotypical and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

56. The Committee expresses concern at the higher level of women's unemployment than men's. The Committee is concerned at the lack of sex-disaggregated data relating to specific employment issues, in particular wages. It is concerned that there is no equal employment opportunities legislation, providing appropriate civil and criminal remedies for discrimination in hiring, promotion, dismissal and sexual harassment in the public and private sectors. The Committee is also concerned that some of the protective provisions for women in employment are formulated in a way that perpetuates disadvantageous stereotypes.

57. The Committee recommends that the State party adopt equal employment opportunities legislation. The Committee also recommends the setting up of training programmes aiming to facilitate women's employment and urges the State party to collate sex-disaggregated data on all aspects of women's employment, and especially wages, so as to address the employment situation in an informed way. In addition, the Committee recommends that the State party review its protective legislation in order to address any negative impact it may have on women's employment.

58. The Committee expresses concern regarding the situation of rural women, including their access to health-care services and income-generating activities.

59. The Committee encourages the State party to develop special policies and programmes aimed at the economic empowerment of rural women and their access to health-care services.

60. The Committee is concerned that the situation of growing economic hardship and extreme poverty in the country, especially the feminization of poverty, negatively impacts on women's enjoyment of their human rights.

61. The Committee urges the States party to develop poverty reduction programmes targeted to women, including for the predominantly female refugee population.

62. The Committee notes the insufficiency of sex-disaggregated statistical data in all fields. It is

also concerned that the impact of policies and programmes aimed at the advancement of women has not been assessed.

63. The Committee recommends a comprehensive compilation of sex-disaggregated data and urges the State party to include relevant statistics and data in its next report. It also recommends the introduction of regular impact assessments of legislation, policies and programmes.

64. The Committee is concerned that the minimum legal age for marriage is 17 years for women and 18 years for men. It is also concerned that in exceptional circumstances girls may marry at 16.

65. The Committee recommends that the State party raise the age of marriage for women to 18 years.

66. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1 of the Convention on the Committee's meeting time.

67. The Committee requests the State party to respond to the concerns expressed in these concluding comments in its next periodic report under article 18 of the Convention.

68. Taking account of the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

69. The Committee requests the wide dissemination in Armenia of the present concluding comments in order to make the people of Armenia, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".