



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Forty-third session

19 January-6 February 2009

#### Concluding observations of the Committee on the Elimination of Discrimination against Women

##### Armenia

1. The Committee considered the combined third and fourth periodic reports of Armenia (CEDAW/C/ARM/4) at its 871st and 872nd meetings, on 23 January 2009. The Committee's list of issues and questions is contained in CEDAW/C/ARM/Q/4, and the responses of the Government of Armenia are contained in CEDAW/C/ARM/Q/4/Add.1.

##### Introduction

2. The Committee expresses its appreciation to the State party for its combined third and fourth periodic reports.

3. The Committee commends the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee.

4. The Committee commends the State party on sending a delegation, headed by the Deputy Minister of Foreign Affairs, and comprising representatives from various ministries and agencies.

##### Positive aspects

5. The Committee commends the State party for acceding, in May 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

6. The Committee commends the State party on revisions made to the Constitution in 2005, and in particular the adoption of article 14.1 guaranteeing equality before the law.

7. The Committee welcomes the establishment of the Human Rights Defender (Ombudsman) for Armenia in 2004 and the adoption of a series of national plans

and programmes, particularly the adoption in 2007 of a “Plan on Combating against Human Exploitation (Trafficking) in the Republic of Armenia in 2007-2009”.

#### **Principal areas of concern and recommendations**

8. While recalling the State party’s obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party’s priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

#### **Parliament**

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party’s obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government’s next reporting process under the Convention.

#### **Visibility of the Convention and its Optional Protocol**

10. While commending the State party for the dissemination of booklets with information on the Optional Protocol to the Convention, the Committee remains concerned that the provisions of the Convention and its Optional Protocol as well as the Committee’s general recommendations, the views adopted on individual communications and inquiries, are not sufficiently known across all the branches of the Government, including the judiciary law enforcement personnel and women themselves. It is further concerned that there is no case law where the Convention is used, and that no judicial cases on the elimination of discrimination on the grounds of sex and gender were brought to the Committee’s attention.

11. The Committee encourages the State to promote knowledge and understanding of the Convention and gender equality through training programmes on the Convention and its Optional Protocol as well as the Committee’s general recommendations and the views adopted on individual communications and inquiries, in particular for the judiciary, the legal profession, the police and other law enforcement officials, including Government officials, and political parties. The Committee also recommends the design and implementation of awareness-raising campaigns targeting women, in order to raise their knowledge of their rights under the Convention and the communication and inquiries procedure provided by its Optional Protocol and thus enhancing their capacities to claim their rights.

**Legal status of the Convention, definition of equality, discriminatory laws**

12. While noting that in accordance with article 6 of the State party's Constitution international legal instruments accepted by the State party are an integral part of its domestic legal system, the Committee regrets the absence of an explicit and comprehensive definition of discrimination against women, both direct and indirect, in line with article 1 of the Convention within the State party's legislation. The Committee is further concerned that the principle of equality between women and men has not been expressly articulated in the State party's legislation, in accordance with article 2, subparagraph (a) of the Convention. The Committee expresses concern at the lack of express and comprehensive legal provisions prohibiting discrimination against women, and at the State party's preference for gender-neutral policies and programmes, which may lead to inadequate protection for women against direct as well as indirect discrimination, hinder the achievement of formal and substantive equality between women and men, and result in a fragmented approach to the recognition and enforcement of women's human rights.

**13. The Committee urges the State party to enact appropriate national legislation containing prohibition of discrimination against women in line with article 1 and article 2, subparagraph (b) of the Convention, encompassing both direct and indirect discrimination. It calls upon the State party to accelerate the adoption of the proposed law on gender equality and to embody the principle of equality of women and men in the proposed law on gender equality, in line with article 2 (a). It also encourages the State party to raise awareness with respect to the nature of indirect discrimination and the concept of substantive equality among Government officials, the judiciary and the public. Furthermore, the Committee recommends that the State party adopts a gender specific approach in its policies and programmes.**

14. The Committee reiterates the concern expressed in the Committee's previous concluding observations (A/57/38) and in the Committee on the Rights of the Child's concluding observations (CRC/C/15/Add.225) that the different minimum legal age for marriage, set at 18 for men and 17 for women, constitutes discrimination against women.

**15. The Committee urges the State party to ensure that the minimum age of marriage is raised for women to 18, and to remove any exceptions to this minimum age, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21.**

**Temporary special measures**

16. While welcoming the amendment to the Election Code establishing a 15 per cent quota for women, and a minimum of one woman out of every 10 candidates, the Committee is concerned that the quota has been ineffective. The Committee is further concerned that no other temporary special measures have been utilized by the State party as a matter of general policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention or to improve the situation of women's rights, in particular with regard to women in the workplace and the participation of women in politics. The Committee is also concerned at the apparent lack of understanding of the concept of temporary special measures, as stipulated in article 4(1) of the Convention and further explained in the Committee's general recommendation No. 25.

17. **The Committee encourages the State party to provide for specific legislation for the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 in order to accelerate the realization of women's de facto equality with men in all areas. The Committee further calls upon the State party to expedite the process to amend the Election Code to raise the 15 per cent quota, and consider raising it beyond the proposed 20 per cent.**

#### **National machinery for the advancement of women**

18. While welcoming the establishment in 2002 of the Department of Women's, Family and Children's Issues (within the Ministry of Labor and Social Issues), the Committee regrets the lack of an adequate structure of a national machinery for the advancement of women in the State party. The Committee is further concerned at the lack of its visibility and political recognition and in particular its limited capacities to efficiently promote, coordinate, monitor and evaluate national gender equality programmes and policies. The Committee also notes with concern that the Human Rights Defender (Ombudsman) does not have a specific division dealing with gender equality.

19. **In line with its previous recommendations (A/57/38), the Committee reminds the State party of its responsibility to fully ensure Government accountability for gender equality and women's enjoyment of their human rights in the implementation of the Convention. In this regard, the Committee refers to the guidance provided in its general recommendation No. 6 and in the Beijing Platform for Action on national machinery for the advancement of women, and urges the State party to enact a gender equality bill which would establish a national machinery for the advancement of women with necessary financial and human resources for coordination of the implementation of the Convention, the National Programme to Improve the Status of Women and to Enhance Their Role in Society in the Republic of Armenia for the Period 2004-2010, and for the effective implementation gender-mainstreaming strategy in all governmental policy areas, including during the process of review of all new legislation by the Constitutional Court as well as within the budgeting process. The Committee also calls upon the State party to establish within the office of the Human Rights Defender (Ombudsman) a specific position charged with ensuring gender equality.**

#### **Stereotypes, cultural practices**

20. The Committee reiterates its concern about the deeply rooted patriarchal attitudes subordinating women and the strong stereotypes regarding their roles and responsibilities in the family and society expressed in its previous concluding observations (A/57/38). These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in political life, the labour market, education and other areas.

21. **The Committee calls upon the State party to take urgent measures, in particular in rural areas, to initiate change in the widely accepted subordination of women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns**

**targeting, inter alia, community leaders, parents, teachers, officials and young girls and boys, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party elaborate the role of the media in eradication of such stereotypes including by promoting non-stereotypical and positive images of women and the value of gender equality for society as a whole.**

#### **Violence against women**

22. The Committee reiterates its concern that a lack of understanding and acknowledgment of the fact that gender-based violence against women, and in particular domestic violence, continues to be a significant problem in the State party as expressed in its previous concluding observations (A/57/38). The Committee also regrets that the State party's report makes no mention of this phenomenon. It is further concerned that there is no specific legislation addressing violence against women and that the Criminal Code does not define domestic violence as a separate crime and does not criminalize it as such. The Committee is further concerned that there is no dedicated governmental body or coordinating institution tasked with implementing measures to counter all forms of gender-based violence against women. While noting the establishment in 2002 of a shelter by the Centre for Women's Rights in collaboration with the police, the Committee is concerned at the lack of sufficient shelters for victims of violence. Furthermore, the Committee expresses its concern about the absence of data in regard to court cases on domestic violence and that there have been inexplicably very few court cases in the areas of sexual and other forms of violence against women. The Committee is also concerned about the lack of statistics provided on the incidence of various forms of violence against women, including the number of women murdered by their husbands, partners or ex-partners in cases of domestic violence, and on the availability of support services for victims.

23. **The Committee urges the State party to give priority attention to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with the Committee's general recommendation No. 19. The Committee requests that the State party enact, without delay, legislation specifically addressing domestic violence against women. Such legislation should ensure that violence against women and girls constitutes a criminal offence and a civil wrong; that perpetrators are prosecuted and adequately punished; and that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters and in all regions, in particular addressing the needs of rural women, women with disabilities, refugees and minority women. The Committee further recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising and zero-tolerance campaigns in regard to violence against women.**

**Trafficking and exploitation of prostitution**

24. While welcoming the measures taken by the State party to combat human trafficking, including through amendments to the Criminal Code criminalizing trafficking in persons for both labour and sexual exploitation and the adoption of the 2007-2009 national action plan to combat human trafficking, the Committee is concerned about the growth in the phenomenon and the fact that there are insufficient measures to address the main causes of trafficking such as economic hardship and prevalence of the stereotypical gender roles and gender inequality. It is further concerned about the lack of protection for women at risk of trafficking, limited support and lack of shelters for the victims, and that the stigma these women are facing hampers their reintegration into society. The Committee regrets the very limited data with regard to the trafficking of women and teenagers for sexual exploitation and is particularly concerned by the absence of information regarding the outcome of the various measures taken in this regard.

**25. The Committee calls upon the State party effectively to implement its national action plan to combat trafficking in persons for the period 2007-2009, to effectively enforce article 132 of the Criminal Code, and to take measures addressing the main causes of trafficking in order to further curb the phenomenon. The Committee recommends that the State party further expand its funding for shelters for victims of both gender-based violence as well as of trafficking, which it has initiated in 2009, and take all the necessary steps to ensure the rehabilitation and social reintegration of victims of trafficking.**

26. In line with its previous concluding observations (A/57/38), the Committee regrets the limited data on the scope of prostitution, including with regard to efforts to address the social and economic factors leading to prostitution as well as measures to support women who wish to leave prostitution. The Committee also notes with concern that women who engage in prostitution are subject to administrative liability in the form of fines imposed on them, thus revictimizing the victim while the clients are not subject to any sanctions.

**27. The Committee urges the State party to include sex-disaggregated data and information on the exploitation of prostitution in its next periodic report. The Committee requests the State party to strengthen measures aimed at addressing the factors driving women and girls into prostitution, to put services in place for the rehabilitation and reintegration into society of women and girls involved in prostitution and to support women who wish to leave prostitution. The Committee also requests the State party to abolish the administrative liability imposed on women engaged in prostitution and to address the demand for prostitution.**

**Political participation and participation in public life**

28. The Committee remains concerned at women's very low participation in political and public life, especially with respect to their representation in decision-making bodies, including the National Assembly, the Government, the diplomatic services, regional and local municipalities and the high level of judiciary. The Committee also notes with concern incidents of violence against women journalists and particularly women who are active during electoral campaigns, especially as such violence discourages women from participating actively in public life.

29. **The Committee requests the State party to implement national awareness-raising campaigns about the importance of women's participation in public and political life, specifically in rural areas. It urges the State party to increase women's representation in political and public life, including at the international level. The Committee encourages the State party to review the use of temporary measures according to article 4, paragraph 1, of the Convention and in the Committee's general recommendations Nos. 25 and 23. The application of such measures to increase women's political representation should include the establishment of benchmarks with timetables or increased quotas. The Committee also requests that the State party ensure the safety of women in political life and encourage their participation in public affairs.**

### **Education**

30. While noting that primary and secondary education in State educational institutions is free of charge, the Committee is concerned that, owing to a number of factors including significant poverty and social stereotypes concerning women's roles and responsibilities, there is a relatively high dropout rate especially of rural girls of ethnic minorities and underrepresentation of female students at doctoral level in institutions of higher education. The Committee is also concerned at the continuing concentration of women in traditional female subjects. The Committee is further concerned at the low number of women in academia, as professors, senior lecturers and researchers, and at the decision-making levels in the area of education.

31. **The Committee urges the State party to address the obstacles which hamper girls in continuing their education. The Committee recommends that seminars be held and awareness-raising activities undertaken with a focus on helping parents to understand the important role of education for girls; and special measures be implemented to allow girls and women who have dropped out of school to re-enter the education system in an age-appropriate classroom environment. It also requests the State party to continue to review all school textbooks to eliminate gender-role stereotypes, and to implement programmes encouraging girls to enter non-traditional study courses. The Committee urges the State party to adopt policies to increase the number of women holding positions in doctoral studies, at the highest levels of academia, as research specialists particularly in scientific fields and in decision-making positions at all levels of education.**

### **Employment**

32. While welcoming the amendments to the Labour Code that establish, inter alia, equal rights of all parties regardless of sex, prohibiting forced labour and employment of children under 14 years of age, the Committee expresses serious concern about the persistence of both vertical and horizontal gender segregation within the labour market, and the lack of concrete gender-specific legislative measures to implement the general equality undertaking. The Committee notes the high unemployment of women and the concentration of women in part-time work and lower-paying sectors, such as health care, education, agriculture and in the informal sector. It expresses particular concern at the persistence of the wage gap and lack of understanding of the concept of wage gap, as well as the low representation of women in top management positions and on boards of private

companies as well as the lack of systematic effective measures to prevent sexual harassment against women in the workplace.

**33. The Committee urges the State party to adopt policies and concrete legislative measures to accelerate the eradication of employment discrimination against women and to work towards ensuring de facto equal opportunities at all levels for women in the labour market including effective measures against sexual harassment against women in the workplace. The Committee further urges the State party to ensure that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men and implementing pay equity (equal pay for work of equal value, in line with the Committee's general recommendation No. 13 and the ILO Equal Remuneration Convention (No. 100). The Committee encourages the State party to continue its efforts to raise salaries in female-dominated sectors of the State budget economy. It also recommends that the State party make greater use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, by applying numerical goals with timetables or quotas in respect of women's access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector.**

#### **Health care for women**

34. While noting the free access to health care, and the other various efforts made to improve reproductive health care for women, the Committee regrets that these plans and strategies have not been effective. The Committee remains concerned about the insufficient access to adequate general health-care services as well as reproductive health-care services for women especially those living in rural and remote areas and that the rates of abortion have in fact risen, so that it still seems to be one of the most widespread methods of family planning within the State party. The Committee is also concerned about the high rate of teenage pregnancies and regrets the lack of data in regard to number of deaths due to illegal abortions.

**35. The Committee recommends that the State party continue to take measures to improve women's access to general health care, and to reproductive health-care services in particular. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that family planning and reproductive health education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies of underage girls including the control of sexually transmitted diseases and HIV/AIDS.**

#### **Vulnerable groups of women**

36. The Committee notes the lack of information and statistics about vulnerable groups of women, particularly rural women, single mothers, women with disabilities, refugees and women belonging to ethnic and religious minorities who often suffer from multiple forms of discrimination, especially in regard to access to employment, health care, education and social benefits. The Committee also notes



with concern the State party's maintenance of allegedly gender-neutral programmes in such areas as refugees or people with disabilities, which in fact do not meet the specific needs of women with disabilities or women refugees.

**37. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women in all areas covered by the Convention, and information on specific programmes and achievements. The Committee calls upon the State party to adopt gender specific policies and programmes that would cater to the specific needs of vulnerable groups of women.**

#### **Preparation of next report**

**38. The Committee encourages the State party to establish an ongoing process of regular consultation and collaboration with non-governmental organizations on matters relating to the implementation of the Convention. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committee's concluding comments and in the preparation of future reports.**

#### **Beijing Declaration and the Platform for Action**

**39. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Millennium Development Goals**

**40. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

#### **Ratification of other treaties**

**41. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to ratify the treaties to which it is not**

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

**Dissemination of the concluding observations**

42. The Committee requests the wide dissemination in the State party of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

**Follow-up to concluding observations**

43. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 23 above.

**Date of next report**

44. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth and sixth periodic reports in a combined report in 2013.

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