

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 43ND SESSION ARMENIA, 3RD AND 4TH REPORT 23 JANUARY 2009

Key facts	1
Information submitted to the Committee	1
State report.....	1
List of issues.....	2
NGO information.....	2
Themes and issues.....	3
Tangible improvements	3
The visibility of the Convention.....	3
Formal and substantive equality.....	3
Meaning and use of temporary special measures.....	4
Need for an adequate structure of a national machinery for the advancement of women	4
Violence against women.....	4
Underrepresentation of women in political and public spheres.....	4
Trafficking.....	5
Other issues	5

Key facts¹

Ratification	Reservations	Party to Optional Protocol?	Other core treaties ratified
1993	None	Yes	ICERD, ICCPR, ICESCR, CAT, CRC, CMW

Information submitted to the Committee

State report

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

Armenia submitted its 3rd and 4th combined report to the Committee on the Elimination of All Forms of Discrimination against Women (the Committee) on 28 December 2007.² Armenia last appeared before the Committee in August 2002.³ The report was not submitted on time. It covers the period from 2002-2007 and follows systematically the articles of the Convention focusing mainly on legislation and State programmes that ensure the implementation of the Convention and improve the status of women in Armenia. The report emphasises the National Programme to Improve the Status of Women and to Enhance Their Role in Society for 2004-2010 as a comprehensive measure to solve women problems. Discrimination in practice against women is regretfully left aside.

The report is not very self-critical as one paragraph stated that ‘in Armenia, there are non laws, resolutions, decisions, policies or practices that discriminate against women’. The State nevertheless admits in the paragraph 36 that ‘women are the most vulnerable component of society as result of the negative aspects of those processes’ as well as the fact that ‘women are still inadequately represented at decision-making levels’.⁴ Armenia also acknowledged some challenges, including that abortion is the most widespread method of family planning.

List of issues

On 12 August 2008, the Committee provided its list of issues to the State.⁵ The list posed questions regarding the limited statistical data disaggregated by sex on many issues described in the report.⁶ It asked for clarifications concerning court cases invoking the Convention and the national institutions dealing with women’s issues, their functions and funding. The Committee raised serious concerns that were already mentioned in its previous concluding observations related to stereotypes, the absence of national law on domestic violence, of a global strategy to combat violence against women, and of a comprehensive programme to address exploitation of prostitution.

Armenia submitted its written replies in time on 16 December 2008.⁷ The State answered the vast majority of questions but some of them only partially⁸ and others in a rather dismissive manner.⁹ Answers were not provided on the number of schools that were closed and teachers who have lost their job. The State provided detailed information on the situation of women refugee and acknowledged their poor living conditions.

NGO information

One non-governmental organisation (NGOs)¹⁰ and one coalition of NGOs¹¹ submitted **written reports** to the Committee.¹² NGO presence at the review proved very useful as they seemed to have had a tangible impact through their very comprehensive alternative reports, oral presentations and informal briefings. Indeed, they helped to balance the State report by providing additional information on the situation of women in Armenia and the implementation of the Convention. Their information allowed the Committee to identify areas of concern that were not addressed or denied by the State.

² CEDAW/C/ARM/4, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

³ <http://www2.ohchr.org/english/bodies/cedaw/cedaws17.htm>

⁴ Paragraph 108.

⁵ CEDAW/C/ARM/Q/4 available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁶ Such as the scale of domestic violence, the extent of trafficking in women and girls, the political participation and participation of women in public life, on women’s employments and wages, and drop out rate of girls.

⁷ <http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-ARM-Q4-Add1.pdf>

⁸ On court cases invoking the Convention or before the Ombudsman, training for police and lawyers to prevent domestic violence, temporary special measures to increase political and public participation of women, and data on employment.

⁹ On financial and human resources dedicated to the promotion of gender equality, impact of the National Programme for 2004-2010, and awareness-raising campaigns to combat HIV/AIDS.

¹⁰ The Armenian Association of Women with University Education, Center for Gender Studies.

¹¹ Democracy Today and All Armenian Union of Women

¹² The NGO reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

Themes and issues

During its roughly 20-minute-long presentation, the head of delegation¹³ partially repeated information in the State report when stating that there are no discriminatory laws, policies and practices against women and highlighting the scope and content of the National Programme to Improve the Situation of Women as the main instrument to improve women's situation in the country. However, the State delegation also updated the Committee on developments that had occurred after the written report was submitted, mainly on new measures related to domestic violence, trafficking and labour.

An interactive dialogue then took place between the Committee and the Armenian delegation (primarily composed of women). Although the delegation's responses were sometimes defensive although often detailed, the dialogue was overall constructive. Several Committee members highlighted positive developments during the dialogue. The following section examines some of the key issues brought up by the Committee.

Tangible improvements

NGOs and the Committee welcomed Armenia's accession to the Optional Protocol to the Convention. In its concluding observations the Committee commended the establishment of the Human Rights Defender for Armenia, the national ombudsman, in 2004 and the adoption of a series of national plans and programmes, particularly to combat human exploitation.

The visibility of the Convention

Though the issue was not touched upon by NGOs in their reports, the weak visibility of the Convention in the country was raised in the list of issues but the State only replied that all treaties are published in print and on the Internet. This issue was raised by several Committee members¹⁴ who argued that it has a lot of implications and is a clear obligation under the Convention. They related the limited awareness of the Convention among women and the lack of training for judges, lawyers and other legal professionals to the absence of court cases invoking it. Consequently, the Committee in its recommendation number 11 encourages the State 'to promote knowledge and understanding of the convention and gender equality through training programmes on the convention [...] in particular for the judiciary, the legal profession...'.¹⁵

Formal and substantive equality

Given the State insistence in repeating that there is no discrimination in Armenia in the field of education, employment, health, religious minorities and ethnic groups, some members¹⁵ underlined the difference between formal and substantive equality. They drew the State's attention to the fact that gender neutrality in law and policy is not sufficient and that the whole system must go beyond formal equality. This debate is reflected in recommendation number 13 where 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'. This recommendation is also aimed at addressing the absence of a definition of discrimination against women in domestic legislation, an issue that was raised by NGOs.

¹³ The delegation of ARMENIA was led by Arman Kirakossian, Deputy Minister of Foreign Affairs of Armenia though he left right after his speech leaving its delegation answer the question. He was supported by a large and high-level delegation consisting only of women representatives of the Permanent Mission of Armenia to the United Nations Office at Geneva, the Police of the Republic of Armenia, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Health, and the Ministry of Education.

¹⁴ Ms Ameline, Mr Flinterman

¹⁵ Ms Jaising, Ms Kaddari.

Meaning and use of temporary special measures

This issue was first raised by Ms Popescu who with reference to the State report pointed out the State's misconception of special measure and temporary special measures. Other members¹⁶ joined the debate and provided a detailed legal explanation. All insisted on the use of temporary special measures to eliminate *de facto* discrimination. The delegation explained that the State did not want to 'open a Pandora box' by granting more rights to women. Nevertheless they thanked the Committee for this explanation. NGOs¹⁷ recommended both in their report in the oral presentation to the Committee that the current 15 percent quota for women in political parties be raised to 25. This temporary special measure, and the only one existing in Armenia, was addressed in The Committee addressed this very issues in its recommendation number 17 and suggested that the quota be raised beyond the proposed 20 percent.

Need for an adequate structure of a national machinery for the advancement of women

The Committee commended the State for the establishment in 2002 of the Department of Women's, Family and Children's issues. However, as NGOs stated that they do not consider it a functioning national machinery for the advancement of women's rights¹⁸ as it does not monitor compliance with the Convention nor does it oversee implementation of Armenia's obligations to combat discrimination against and ensure equality for women Furthermore, the Committee stated that this Department lacks visibility and political recognition. Hence the Committee issued recommendation number 19 urging the 'State party to enact a gender bill which would establish a national machinery for the advancement of women with necessary financial and human resources...' and asking it to report on measures taken to this effect within two years.¹⁹

Violence against women

Though the prevalence of violence against women was neither a big part of the review nor a direct concern of NGOs, the Committee brought up the issue during the debate. While it had been raised in previous concluding observations, the issue was not addressed in the State report and the Committee raised it again in the list of issues. Armenia provided partial replies to the Committee's questions. Ms Jaising underscored that there is no data on this issue in the report, no laws against domestic violence and she considered that a lack of understanding by the State of the importance of the Convention. Armenia in its first round of replies acknowledged that violence against women is an issue of concern. The serious preoccupation of many members²⁰ with this issue is reflected in recommendation number 23. It requests 'the state party enact, without delay, legislations specifically addressing domestic violence against women' and report to the Committee on this issue within two years.

Underrepresentation of women in political and public spheres

This issue was underscored by NGOs and addressed by the State itself in its report and during the oral presentation. The Committee expressed concerns about the very low participation of women in the political and public arena. The Committee also noted incidents of violence against women activists and that the State had only recognised one such incident in its answers to the list of issues. Cases of violence against women active in political campaigning was brought up by the coalition of NGO²¹, which had recorded at least 5

¹⁶ Mrs Kaddari, Ms Awori, Ms de la Vega, Ms Simonovic.

¹⁷ The Armenian Association of Women with University Education, Center for Gender Studies.

¹⁸ According to Committee's General Recommendation number 6 and the Beijing Platform of Action.

¹⁹ Follow-up recommendation number 43.

²⁰ Ms Jaising, Ms Kaddari, Ms Simonovic, Ms Awori

²¹ Democracy Today and All Armenian Union of Women

cases. Recommendation 29 issued by the Committee 'requests the State party to implement national awareness campaigns about the importance of women's participation in public and political life, specifically in rural areas'.

Trafficking

The issue of trafficking received much attention at the NGO lunch briefing. At the root of this major problem, which is acknowledged by the State, both through legislation and programmes, lies unemployment and poverty. The main concern of NGOs was the approach envisaged by Armenia for dealing with victims of trafficking focusing on State security rather than the rights of victims. Armenia denied this allegation. During the Committee's review, one member asked Armenia to clarify the causes of trafficking in the country, measures taken to tackle this issue and comment on the assessment of the implementation of relevant programmes.²² The concerns of NGOs were also reflected in recommendation 25 which 'calls upon the state (...) to take measure addressing the main causes of trafficking (...), further expand its funding for shelters for victims (...) and to ensure the rehabilitation and social reintegration of women'.

Other issues

Some other issues were also raised during the debate and reflected in the Committee's recommendations, including the unequal minimum age of marriage for boys and girls;²³ the lack of consideration for vulnerable groups of women (rural women, women refugees, women belonging to minorities, women with disabilities...); and the feminisation of poverty.

Last revised and updated: 21 April 2009.

²² Ms Popescu

²³ The Committee reiterated its previous concluding observation and the CRC concluding observations, and urged the States to remove the exception between boys and girls age of marriage (Recommendation number 15).

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