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CoE report on Armenia recommends measures to improve women's rights

Recommendation measures also address the protection of disadvantaged or vulnerable groups, and establishing accountability for past human rights violations

CoE/Commissioner for Human Rights (29.01.2019) - <https://bit.ly/2ME5wGF> - Today the Council of Europe Commissioner for Human Rights, Dunja Mijatović, published [the report of her visit to Armenia](#) carried out in September 2018. The report focuses on women's rights, gender equality and domestic violence; the human rights of disadvantaged or vulnerable groups; and accountability for past human rights violations.

Finding that women in Armenia remain significantly underrepresented in public decision-making, the Commissioner urges the authorities to ensure women's full and effective participation, as well as equal opportunities for leadership at all levels of public life, equal pay and equal access to the labour market. In order to counter the persisting discriminatory gender stereotypes, Commissioner Mijatović recommends raising public awareness and promoting gender equality, especially through education.

To build on the considerable improvements to Armenia's legislation against domestic violence, the Commissioner recommends ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, while ensuring that the new national legislation is effectively applied in practice. Specifically, she urges the authorities to increase the availability of places in shelters for victims of domestic violence, and to ensure access to education for children staying in such shelters.

Another focus area of the report is the human rights of persons with disabilities, children, older persons and LGBTI people.

While welcoming the authorities' clear commitment towards de-institutionalisation of persons with disabilities, the Commissioner recommends that revised legislation governing state support to persons with disabilities ensure their inclusion in all decision-making processes that concern them. In particular, she calls on the authorities to put an end to plenary guardianship for persons with psycho-social disabilities and to move from a substituted to a supported decision-making model for all persons who may require such support.

The Commissioner encourages the government to achieve its aim to make all education fully inclusive by 2025, and recommends that special attention be paid to ensuring inclusive education at the pre-school level and to pursuing de-institutionalisation equally

for children with and without disabilities. She also recommends that Armenia solidify its commitment to international standards in this area, by accepting additional provisions of the Revised European Social Charter, and by ratifying instruments allowing for individual and collective complaints. The Commissioner welcomes the recent appointment of a well-known disability rights activist as Minister for Labour and Social Affairs, and encourages the government to take further action to raise public awareness on the rights of persons with disabilities.

Commissioner Mijatović recommends that Armenia strengthen its efforts to combat child poverty and to guarantee the right of all children to an adequate standard of living. She is particularly concerned by the placement in state care of children whose parents face socio-economic difficulties. She encourages the authorities to expand their efforts to allocate resources for parents resuming care over their children, while promoting foster care - including for children with disabilities - when this is in the child's best interest. The Commissioner also recommends that Armenia improve its legislation protecting all children against sexual exploitation and sexual abuse, in particular by ratifying the Council of Europe Lanzarote Convention.

To address the inadequate level of social protection of older persons in Armenia, the Commissioner recommends raising the overall level of old age pensions, increasing the availability of primary and specialised health care at the home or in the community, and tackling the shortage of medical professionals specialised in geriatric services.

The Commissioner further recommends that the authorities promptly adopt a comprehensive anti-discrimination law which should specifically include a clear reference to sexual orientation and gender identity. She calls on the authorities to take prompt and resolute action against all instances of violence, hate speech and hate crime targeting LGBTI persons in Armenia. Such incidents must be firmly condemned and investigated, and those responsible prosecuted. She also urges parliamentarians to unequivocally reject any legislative proposals that may infringe on the rights of LGBTI persons or stoke anti-LGBTI sentiments.

Lastly, Commissioner Mijatović welcomes the steps taken to finally establish the truth and prosecute those responsible for the deaths that occurred during the violent events of March 2008. At the same time, she stresses the importance of ensuring that this process is conducted in a careful manner and in strict adherence to the principles of rule of law, judicial independence, transparency and guarantees of fair trial, in order to dispel any accusations of alleged revenge politics or selective justice. She also calls on the Armenian authorities to protect the presumption of innocence of any person charged with criminal misconduct and to avoid using polarising, stigmatising or inflammatory language in their public discourse, which the Commissioner believes to be an obstacle to building a cohesive society and healing past divisions.

[Read the report here.](#)

Bill outlawing domestic abuse stirs debate in Armenia

By Tony Wesolowsky

RFERL (22.10.2017) - <http://bit.ly/2k7vs2Y> - Bruises have covered much of her body, attesting to the abuse she has suffered at the hands of her husband over two decades. Even while carrying his child, he continued to beat her.

"I was pregnant when he once kicked me and I fell from my bed," says the 43-year-old from the Armenian capital of Yerevan, adding that she now suffers from chronic health problems.

Requesting anonymity for fear of being targeted by more violence, she says she has nowhere to turn.

Family members discourage her from divorcing, fearing it would bring shame on them in Armenia, where traditional, conservative values hold sway in this mainly Christian country.

"I was probably not very strong," she says, "But the main factor was my parents' honor."

Plus, she adds, she wouldn't be able to afford to raise her three children alone if she left her husband.

The case is far from an anomaly in this Caucasus nation of nearly 3 million.

The Coalition to Stop Violence Against Women, a grouping bringing together local NGOs, says 5,000 women called their special hotline this year complaining of spousal abuse.

Other victims may have never gotten the chance.

Dire Statistics

According to the Armenian NGO, at least four women have died at the hands of their partners or family members in the first six months of 2017 alone. Overall, it says, at least 50 women have been killed as a result of domestic violence in Armenia over the last five years.

Despite the dire statistics, Armenia has no law criminalizing domestic violence. It is also just one of only two Council of Europe member states that has failed to join the Istanbul Convention on Prevention and Combating Violence Against Women and Domestic Violence.

However, the National Assembly, Armenia's national parliament, appears set to finally overcome obstacles to a bill that would criminalize domestic abuse and protect its victims.

"This law is essential, and a shame that it hasn't been passed [already], despite repeated promises and lots of advocacy from local groups, and [that] victims of domestic violence continue to suffer unprotected from the state," says Giorgi Gogia, the South Caucasus director of Human Rights Watch.

However, critics say the proposed legislation would be an unnecessary intrusion by the state on the rights of the family. They also contend it is being pushed by "foreign governments" and lacks public backing inside Armenia.

A leading NGO in Armenia suspects such groups are receiving support from the Kremlin, which is wary of Armenia, a close ally, steering from Moscow's orbit and closer to the West.

The Kremlin conducted a similar "smear campaign" in 2012 when Armenia's parliament pushed to pass a gender-equality bill, according to one analyst.

'Nonexistent Conspiracy'

Justice Minister Davit Harutiunian, who penned the proposed legislation, denies Yerevan has come under foreign pressure to pass the bill, saying the government views the issue of domestic abuse as a top priority.

Harutiunian says some opponents wrongly believe the legislation will make it easier for the government to take children away from their parents.

"The thing that is clear from what critics have said is that they either don't understand the legislation or haven't read it," claims Harutiunian.

The passion the bill has stirred was evident during a public debate in Yerevan on October 9.

Representatives of several obscure groups claimed the West, and the European Union in particular, were forcing Armenia to pass the legislation in order to weaken the rights of families.

One of them, Hayk Nahapetian, questioned official statistics on domestic-abuse fatalities, claiming the problem is grossly exaggerated by pro-Western civic groups.

A high-ranking clergyman of the Armenian Apostolic Church, part of the Orthodox community, disagreed.

"Even if there is some foreign intervention or a desire to please some foreign forces...why should we see a nonexistent conspiracy?" said Mikael Ajapahian. "I personally don't see any conspiracy."

"If I have a normal family, if I am a loving father, a loving husband, or a loving son, if I love and am loved, which article of this law on prevention of domestic violence could harm me?" the archbishop went on. "So do not create imaginary monsters, do not fight against imaginary monsters, and be tolerant toward each other."

Hasmik Khachatryan, a young woman who was abused by her husband for almost a decade, also made a case for the bill's passage during the discussion. She said it would protect victims of domestic violence and spare them "the kind of obstacles that I have encountered."

Echoing statements by law enforcement officials, Deputy Justice Minister Vigen Kocharian told parliament on October 17 that Armenia's existing criminal and family codes do not sufficiently empower relevant authorities to tackle the problem.

"About 47 percent of cases of sexual abuse of minors take place in family settings," the official said. "Some people may not be concerned about this problem, but we are concerned."

Vague Wording?

Some critics have pointed to what they consider vague wording in the legislation, which defines four types of domestic abuse: physical, sexual, psychological, and economic.

Some lawmakers on October 17 pressed Kocharian to clarify what that means, sparking heated exchanges.

One leading Armenian NGO has claimed that some, if not most, of the groups opposed to the bill appear to have connections to the Kremlin.

The Union of Informed Citizens said late last year that their research uncovered that the main organizations, political parties, and movements opposed to the legislation -- including the Pan-Armenian Parental Committee, Stop G7, the Yerevan Geopolitical Club, For Restoration of Sovereignty, and Sputnik Armenia -- either were pro-Russian in orientation or even deeply dependent on Russian funding.

According to the Union of Informed Citizens, two of the most vocal critics of the proposed law are Arman Boshian and Hayk Ayvazian.

Boshian leads the Pan-American Parental Committee, which has informal links to the All-Russian Parents' Resistance movement founded by Sergei Kurghinian, an ethnic Armenian living in Russia. Kurghinian has been a big supporter of the Russia-backed separatists in eastern Ukraine, according to the NGO.

Boshian is also reportedly active with the group Stop G7, which, according to Union of Informed Citizens, has railed against the domestic-violence legislation on social media, mainly Facebook.

Also connected to Stop G7, according to the Armenian NGO, is Ayvazian, who has peddled the canard that Washington has been manufacturing biological weapons in U.S.-funded laboratories in Armenia. The U.S. Embassy in Yerevan has refuted that claim.

At least one observer sees parallels with the campaign that the Kremlin allegedly coordinated in 2012 when Armenia tried to pass gender-equality legislation. Social media then became the tool for Moscow's "smear campaign," according to Maro Matosian.

"Identical video clips and articles -- all in the Russian language -- appeared in Armenia, Moldova, Ukraine, and other states that sought to align themselves with European standards," Matosian wrote in an op-ed for the U.S.-based *Asbarez* newspaper. "The well-organized campaign had individuals paid by Russian organizations spread misinformation and lies among the population as a scare tactic."

The gender bill was eventually approved by parliament in May 2013. A vote in parliament on the domestic-abuse legislation is expected soon.

Further reading:

[The paradox of Armenia's domestic violence law](#)

EU is giving Armenia its best chance yet to enact a domestic-abuse law

The World Post (10.04.2016) - <http://huff.to/1Sam1di> - Women's-rights groups have been campaigning for a decade for a domestic-violence law in Armenia.

So far all their efforts have failed. Depending on the session of parliament, lawmakers have either refused to take up the legislation or voted it down.

This year, Armenia may finally see a law that protects women from partner violence.

If it happens, it's likely to be because of a European Union financial inducement rather than any sudden Armenian government and lawmaker enlightenment on domestic abuse.

The EU is making an 11-million-euro grant that it calls the Human Rights Budget Support Program contingent on Armenia adopting a domestic-violence law. The financing covers the years 2016 to 2018.

The European incentive comes on top of the United Nations prodding Armenia a year ago about its lack of a domestic-abuse law. The criticism came in the UN's Second Universal Periodic Review of Armenia.

As in all former Soviet states that lack domestic-violence legislation — and that's most of them — Armenia needs a law to protect women from repeat battering.

With rare exceptions, police bring charges against an abuser only when it's too late — that is, when the victim has been murdered or crippled.

Current Armenian law allows police to file charges against anyone who commits an assault, whether the injuries are mild, medium or severe.

If a man who batters a woman is not her partner, however — if he's an acquaintance or stranger, say — police are likely to bring an assault case against him even if the injuries are mild.

If the attacker is a partner, though, police consider the assault a family matter, and lean on the partners to work things out.

It's hard for police to get their heads around the idea of domestic abuse when Armenian society has long had the axiom that: "A woman is like wool: The more you beat her, the softer she will be."

In the few instances where a victim insists on police filing charges, if she has suffered only mild or medium injury, they usually refuse.

This means the victim continues to be trapped in the cycle of battering. Since domestic violence often becomes more frequent and more severe over time, she risks debilitating injury or death if she stays in the relationship.

One way out would be to flee the abusive environment, of course — but the odds against a victim doing so are slim.

Most Armenian women give up careers when they marry, or never have them in the first place, and men tightly control the family's purse strings. This means that the vast majority of wives and live-in girlfriends have no money to start a life of their own.

In addition, Armenia has only a handful of battered-women's shelters, and the time that a victim can stay in one is limited.

You might think a sensible option would be a battered woman moving in with her parents. But in Armenia, where divorce is frowned on, many parents would condemn their daughter for not doing enough to save the marriage — and refuse to take her in.

The domestic-abuse legislation that women's-rights groups have been pushing would almost certainly prevent some battered-women deaths and maimings.

That's because, for the first time, it would give judges the power to issue restraining orders to keep batterers away from victims.

Attackers would think twice against violating such an order because it would lead to jail time.

Those who support an Armenian domestic-abuse law offer some sobering statistics to make their case.

One is that a quarter of all married women have suffered domestic violence at one time or another, according to the National Statistical Service.

Another telling statistic is that a quarter of the 1,759 cases of violence against women that the National Police recorded in the first nine months of 2014 involved domestic abuse.

An even starker statistic is that 30 Armenian women have been killed by their partners since 2010 — a sizable number for a country of 3 million.

Many of the government leaders who oppose a domestic-violence law have offered as a justification the fact that the legislation would impose additional financial costs on the state.

One provision, for example, would require the government to increase the number of battered-women's shelters across the country, and pay for their operations.

At the moment, not even one kopek of taxpayer money goes to shelters. The few that are available are funded by non-governmental organizations.

But the main justification that opponents of the legislation use is that a domestic-abuse law is unnecessary because current law covers assault and battery, including domestic violence.

But given the police's reluctance to file charges in all but the most horrific domestic-battering cases, and the current law's lack of a restraining-order provision to protect women from continued battering, the argument that a specific domestic-abuse law is unnecessary fails to pass muster.

Studies in a number of countries have shown a direct correlation between enactment of a domestic-abuse law and a decline in partner violence against women.

The European Union's current financial inducement for Armenia to pass a domestic-violence law does not guarantee it will happen, of course.

But it is the best chance its proponents have ever had to help reduce partner battering.
