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CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE

CEDAW ASSESSMENT TOOL REPORT

ARMENIA

July 2002

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Michael Maya
Director, Newly Independent States Program and Gender Issues Program
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INTRODUCTION

Equal rights for women have a long history in Armenian society. Many ancient Armenian legal codes and constitutions were protective of women’s rights. These have included ancient provisions against domestic violence, rules against forced marriages and the promotion of equitable division of property. In addition, women have been political and military leaders throughout Armenian history. In 1918, Armenian women were members of the national parliament – at a time when women in the United States still did not have the right to vote.

While Armenian women today are largely accorded equal legal rights with men, their de facto status is quite different. The following report will assess Armenia’s compliance with internationally accepted standards of gender equality, as outlined in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).


CEDAW was opened for signature in 1979, and since then has been adopted by 169 countries. CEDAW espouses values and legal obligations for women's human rights which, because of the treaty’s widespread adoption around the world, have become universal. They are not characteristic of the customs, traditions or values of any one particular set of countries, but instead are basic tenets of equality which have been adopted by the world community.

The Convention consists of 16 substantive articles which span the spectrum of concerns for women’s human rights. These include political representation, education, health care, economic rights, rural women’s concerns, employment, and marriage/family relations. Many of the subjects addressed by the treaty are areas of concern for both men and women in Armenia. It should be noted that focusing attention on compliance with CEDAW and women’s human rights does not mean that men do not also suffer from the failure of the Armenian health care system, for example, or that they are not also entitled to safe workplaces. Most of the areas of concern which are elaborated on in this report would, if addressed, improve the quality of life of all people in Armenia.

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1 See, for example, Codes of Shahapivan (443 AD); Rules of Davit Alavkavordi (c. 11th century); Criminal Code of Mkhitar Gosh (c. 12th century); Constitution of King Vatchagan (c. 5th century). For example, the Criminal Code of Mkhitar Gosh prohibits violence against women and imposes criminal penalties on anyone committing violence against women. The Code of Shahapivan gives a woman the right to the family property in the event that her husband leaves her without grounds. It also states that the woman is entitled to bring a new husband to the same house. Finally, the Rules of Davit Alavkavordi require that for a marriage to be valid, the bride and groom must give their mutual voluntary consent. It says that a marriage is not valid if it based on violence.
By acceding to the Convention without reservation, the Republic of Armenia has voluntarily obligated itself to comply with all of the requirements and initiatives which CEDAW imposes on States Parties. These include not only measures to eliminate and prevent discrimination, but also proactive measures designed to promote equality between men and women and to change the culture of gender in signatory states.

As the CEDAW Secretariat wrote, "The Convention is not confined to the respect of equal rights per se, since these are guaranteed under the International Convention on Social and Cultural Rights. Rather, its purpose is to ensure the equal enjoyment of these rights. The Convention thus is conceived as an affirmative action program requiring measures by States Parties to ensure that internationally recognized human rights are equally applied to women."\(^2\)

The following report seeks to assess Armenia's compliance with its obligations under CEDAW, using an assessment tool developed by the Central and Eastern European Law Initiative of the American Bar Association ("ABA/CEELI"). Each section has a \textit{de jure} analysis (reviewing how Armenian laws comply with the treaty) and a \textit{de facto} evaluation (assessing how day-to-day reality compares to the law and to the treaty). In some sections, there are also Areas of Concern which refer to specific issues which should be addressed in order to improve Armenia's compliance with its treaty obligations. Templates with specific results from the \textit{de jure} analysis and the \textit{de facto} evaluation are attached as appendices to this report. A full list of respondents is attached at the end.

It should be noted that this report is not a scientific survey. It is an assessment conducted using a standard tool which will be used in many countries around the world. The analysis uses the \textit{de jure} analysis, the \textit{de facto} evaluation, and a variety of secondary sources to draw conclusions. Where available, statistics taken from reliable sources are included.\(^3\)

It is our hope that this document will be helpful to the government of Armenia, nongovernmental organizations, international organizations, and individual citizens (both men and women), to assess and improve equality between men and women in Armenia.

\(^3\) These include statistics compiled by the United Nations Development Programme (UNDP), the International Foundation for Election Systems (IFES), the Armenian Sociological Association (ASA), the Armenian Democratic Forum, the RA Ministry of Health, the RA Statistical Agency and a variety of other sources.
METHODOLOGY

This study was conducted using the CEDAW Assessment Tool, developed by ABA/CEELI in Washington, DC. This study was the pilot implementation of the Tool, which will be used in countries around the world.

The Assessment Tool measures the status of women - as reflected in a country’s laws and based on the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW. More difficult than identifying legislative (or de jure) deficiencies, is the task of determining the degree to which women, in practice, are accorded the rights and status guaranteed to them under CEDAW. A major focus of the diagnostic tool is on de facto or “real life” impediments to equality, many of which are not necessarily a product of poorly drafted or non-existent legislation. Therefore, the Tool is split into two major sections: a de jure assessment and a de facto analysis.

The de jure assessment was conducted by attorneys from the International Union of Armenian Advocates and the International Bar Union using a template of 66 standard questions. The attorneys reviewed all binding legal authority, including the Constitution, laws, and decrees of the Republic of Armenia, to assess how the legislative regime complies with CEDAW. The results were also reviewed by an ad hoc committee representing a cross-section of NGOs, international organizations, law professors and private attorneys.

The de facto analysis was conducted in cooperation with the Sociology Department of Yerevan State University. Researchers underwent intensive training on CEDAW and its underlying issues and a universal question protocol was developed for use in the interviews. Respondents were chosen according to their substantive expertise in the areas covered by the CEDAW. Interviews were conducted with 36 key experts on issues related to how CEDAW is implemented in Armenia. In addition, six focus groups were conducted on a variety of issues and in different locations around the country. Among the focus groups was one which tested initial conclusions among a panel of experts.

Finally, a team of research assistants surveyed the range of available secondary sources and reports from NGOs, government sources, academics and international organizations.

The final report was written by ABA/CEELI-Yerevan and reviewed by a variety of NGO experts.
EXECUTIVE SUMMARY

"In general, there are a lot of international treaties on protection of women's rights. However, due to economic and legal barriers [in Armenia], women do not, in reality, have good possibilities for protecting their rights. The government does not fulfill its responsibilities. You will never see a single international treaty in courts, since we are used to relying on local legislation. No woman will go to court and claim her right under Article X of CEDAW. A country cannot solve problems related to women's rights after an earthquake, war, economic crisis. However, it would be wrong to state that the government does not do anything. The mere fact that we signed the Convention means a lot." 4

Armenia is a country in transition, beset by a multitude of economic, political and social challenges which affect all of society. These challenges have had a major impact on the State's ability to implement provisions of CEDAW, particularly where implementation requires an outlay of scarce governmental resources.

Overall, Armenia’s de jure compliance with CEDAW is largely satisfactory. Collectively, Armenian laws articulate a vision of equality of opportunity which includes equal entitlements for men and women to health care, education, economic opportunity, employment and some anti-discrimination provisions. While there are notable gaps in the laws, reforms have been proposed which would help strengthen the legal protections for women, such as specific legislation on domestic violence and human trafficking.5

Armenia’s de facto compliance is more problematic. While laws exist on the books, they are rarely implemented or enforced. Therefore, there is a disconnect between the State's vision of equality between men and women and what exists in day-to-day life. The rigid gender stereotypes which characterize Armenian norms fill the vacuum created by the legal system's lack of relevance. This leads to de facto discrimination in many aspects of life. Reliance on conservative customs and traditions also leads many women to believe that the discrimination which they face is a "normal" part of life and is an acceptable part of the human condition. This clashes directly with the vision of equality espoused by CEDAW and Armenia’s commitments thereunder.

However, there are hopeful signs: women's high rates of participation in the nongovernmental sector bodes well for their growing activism in public life; the increasing engagement of NGOs on issues such as domestic violence, women's political participation and women's leadership development, are important developments; NGO direct service providers are playing critical roles in such things as promoting women's health and providing education on contraception. The involvement of young women in women's issues is an important step towards creating the next generation of reformers who will advocate for women's human rights.

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4 Interview with Susanna Vardanyan, 2 April 2002.
5 Domestic violence legislation has been proposed as part of the new Criminal Code, currently pending before the National Assembly. An article explicitly outlawing human trafficking has also been drafted and proposed in the parliament (See discussion of CEDAW Article 6, below).
DE JURE COMPLIANCE: AN OVERVIEW

“In the legal framework, there is no discrimination against women, however people do not live in the legal framework. They live in real life, where the articles declared by the Constitution must be implemented and realized. In real life, equality is not assured.”

General consensus among Armenian legal experts is that equality is mandated in the Armenian Constitution. There are, however, both legal and conceptual gaps in Armenian legislation which fail to protect women’s human rights.

The general equality clauses of Articles 15 and 16 are frequently cited as proof of the Constitution’s intention to guarantee equality to both men and women. In addition, numerous clauses point to rights of “everyone” or “everybody” to health (Article 34), education (Article 35), equality in employment (Article 29), voting rights (Article 27), etc. It is notable that only one article specifies equality of rights between men and women: Article 32, which refers to marriage and the place of family.

While the laws of the Republic of Armenia are not, on their face, overtly discriminatory, certain gaps in the law are problematic. These include provisions which fail specifically to define and outlaw domestic violence and spousal abuse, lack of legislation regarding trafficking in human beings, and the failure to provide a meaningful enforcement mechanism for anti-discrimination legislation.

“Analysis of the legislation currently in force demonstrates that normative provisions explicitly contradicting internationally accepted norms are not that common or significant. The national legislation of the RA does not contain any provisions explicitly discriminating against the rights of women, but neither does it contain articles that straightforwardly guarantee equal rights and opportunities for women.”

6 Interview with Nora Hakobyan, 29 March 2002.
7 The current Constitution was adopted in 1995. There are a series of amendments pending in the National Assembly which are scheduled to be brought to a referendum some time in 2002. The proposed constitutional amendments do not have a significant effect on women and are largely a result of conditions placed on Armenia’s accession into the Council of Europe in January 2001.
8 RA Constitution, Article 15, “Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, are entitled to all the rights and freedoms, and subject to the duties determined by the Constitution and the laws”; RA Constitution, Article 16, “All are equal before the law and shall be given equal protection of the law without discrimination.”
9 RA Constitution, Article 34, “Everyone is entitled to the preservation of health. The provision of medical care and services shall be prescribed by law.”
10 RA Constitution, Article 35, “Every citizen is entitled to education. Education shall be free of charge in state secondary educational institutions.”
11 RA Constitution, Article 29, “Every citizen is entitled to freedom of choice in employment.”
12 RA Constitution, Article 27, “Citizens of the Republic of Armenia who have attained the age of eighteen years are entitled to participate in the government of the state directly or through their freely elected representatives.”
13 RA Constitution Article 32, “The family is the natural and fundamental cell of society. Family, motherhood, and childhood are placed under the care and protection of society and the State. Women and men enjoy equal rights when entering into marriage, during marriage, and in the course of divorce.”
The Constitution incorporates, through Article 6, all international treaties that have been signed and ratified by the Republic of Armenia.\textsuperscript{15} This means that, technically, CEDAW is binding law in Armenia and its definitions and strictures should be applied in Armenian courts. In reality, knowledge of CEDAW among lawyers, judges and the public at large is minimal. Not only have no cases been brought to court on the basis of the Convention, it appears that no cases have been brought to court citing any form of discrimination against women or using any of the available equality clauses from the Constitution to support the cause of women’s human rights.\textsuperscript{16}

As in most former Soviet republics, the old Soviet legal code is slowly being replaced by new laws that reflect the State’s priorities in a democratic, market economy. The legal system, as currently constructed, is a hybrid mix of old Soviet-era laws (many of which no longer have practical application) and new Armenian laws which have been passed since independence. At present, a new Civil Code, Civil Procedure Code, and Criminal Procedure Code have all been passed. A new Criminal Code is pending in the National Assembly, as are a series of constitutional amendments which were motivated, in large part, by Armenia’s recent accession into the Council of Europe in January 2001.\textsuperscript{17} As one report states, however, these new codes do not make substantial improvements for women’s human rights.\textsuperscript{18} The old Labor Code is still in effect (with its protective legislation for women and generous social benefits which are extremely difficult for private sector employers to provide). In addition, the old Marriage and Family Code has not yet been substantially changed.

Public skepticism over the application of the legal system (a carry-over from the Soviet era, when laws were on the books, but rarely applied) persists. While good laws might exist on paper, they are of declarative value only. They are often not applied by law enforcement officials or by the courts. The ongoing effort to reform the legal system has led to the hybrid system of laws that currently exists. Few people understand it -- including judges, government officials and attorneys -- and even fewer apply it. As a result, most Armenians do not see their legal system as a mechanism for resolving disputes, interpreting laws or creating social change.\textsuperscript{19}

This lack of a credible legal system has led to a social vacuum in which an ad hoc system of social regulation is created based on what people call “custom” and “tradition.” This ad hoc system has, in many cases, replaced the formal legal system, often to the

\textsuperscript{15} See RA Constitution, Article 6, “International treaties that have been ratified are a constituent part of the legal system of the Republic. If norms are provided in these treaties other than those provided by laws of the Republic, then the norms provided in the treaty shall prevail.”

\textsuperscript{16} In private and state-run law schools, legal clinics have begun to emerge (most notably at Yerevan State University) and a handful of NGOs provide free legal assistance. While it is theoretically possible to sue for discrimination, the clinics and NGOs tend to deal more with housing disputes, custody arrangements and other civil disputes.

\textsuperscript{17} While acknowledging proposed legal reforms which are currently pending, the CEDAW Assessment Study was conducted using the laws of the Republic of Armenia as they currently exist in May 2002.

\textsuperscript{18} Impact of Transition, p. 35.

\textsuperscript{19} A recent survey conducted by the Armenian Sociological Association found that in cases in which people had a dispute with another citizen, nearly two-thirds of respondents (60.6\%) would not rely on the law and the courts to settle the dispute fairly. In addition, 81\% of respondents do not feel confidence toward judges. Citizen’s Participation Report, Public Opinion Survey 2001: USAID/Armenian Sociological Association. (hereinafter, “ASA Survey”), p. 14.
detriment of women. Rigid gender stereotypes, which mandate what is appropriate for men and what is appropriate for women, are used to help regulate social behavior and lead, de facto, to discrimination in many aspects of Armenian life.
DE FACTO COMPLIANCE: AN OVERVIEW

“By shattering the state monopoly over economic, social and political issues, the transition has exposed women to an environment in which the conditions for equality have yet to be explored.”20

Armenia is a society rife with contradictions. While women make up the vast majority of those involved in the nongovernmental sector and social movements, they are severely under-represented in politics. In spite of the fact that women are better educated and tend to attain higher levels of education, they are more likely than men to be underemployed. While women make money for the family and provide the basic support for the family, they are not considered "breadwinners" or heads of households. While women know and understand that they are discriminated against, they still perpetuate such discrimination against other women and girls. This takes place within the family, without recourse to the legal system; moreover, many women socialize their own children to accept and perpetuate these patterns.

This presents an interesting context in which to evaluate compliance with CEDAW, as Armenia is able to point to great accomplishments with respect to women's enfranchisement (most specifically in literacy rates and high levels of education), and yet can also be justifiably criticized for its lack of engagement in changing public attitudes and confronting the stereotypes which, in practice, inhibit women's opportunities in nearly all spheres of life.

Armenia is currently undergoing a particularly challenging period of transition that has been marked by economic upheaval, military conflict, natural disaster, mass emigration, widespread corruption and deep public demoralization. This period has had a particularly difficult impact on women as they have been challenged by the economic and political transitions, the ways in which legal reform has technically included them and yet de facto discriminated against them, and the deep de facto divide which has emerged between the urban centers and the rural areas. The CEDAW Assessment must be viewed in light of all of these challenges.

The transition to a market economy has been characterized by widespread unemployment and poverty within Armenia. While official government statistics hold the unemployment rate at 12.1 %, other reports place unemployment much higher.21 Women are a disproportionately large percentage of the unemployed.22 Estimates from 1999 showed at least 45% of the population living under the poverty line.23 International assistance plays a major role in propping up the Armenian economy, with international donor organizations investing more than $300 million USD per year. Many Armenian families receive financial assistance from relatives living abroad to help them make ends meet.

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21 Some reports place unemployment at near 50%.
In addition to an already difficult economic transition, war broke out between Armenia and Azerbaijan over the disputed territory of Nagorno Karabagh, just as the independence movement took hold. An enclave with a large Armenian population, Nagorno Karabagh declared its independence from Azerbaijan in 1988 and a violent war resulted. Before the war, large populations of Armenians lived in Azerbaijan and large numbers of Azeris lived in Armenia. The war between the two countries resulted in over one million refugees between the two countries, and over 25,000 people killed. Although a formal peace treaty has not yet been signed, a cease-fire has held since December 1994.\textsuperscript{24}

The war continues to have negative economic implications for Armenia, as two of Armenia’s four borders are still closed (Azerbaijan and Turkey), limiting trade and regional development, and an economic blockade on the country is still in place. Trade with Armenia’s southern neighbor, Iran, is somewhat limited. While the border with Armenia’s northern neighbor, Georgia, is open, Georgia has its own internal political problems and has been dealing with secessionist campaigns which prevent it from being a serious trading partner and which limits its usefulness as a transit route. Russia continues to be an important ally and economic partner.

Adding to the aforementioned challenges, a major earthquake in 1988 leveled the cities of Gyumri and Spitak and severely damaged cities and villages in the surrounding regions, leaving thousands homeless and the region’s economic infrastructure decimated. Fourteen years later, the city continues to suffer the after-effects of the earthquake with people still living in temporary housing and city services not yet fully restored. The textile factory, which was the major employer in the area (employing predominantly women), was destroyed in the earthquake as were more than 40 other employers in the region.\textsuperscript{25} Women were instrumental in mobilizing to provide emergency care and support, however these efforts have not been leveraged into permanent job placement or election to positions of leadership. Instead, women in these regions have been doubly burdened. The rebuilding effort for the Gyumri region continues to place a strain on limited national resources.

These events have contributed to the general collapse of the Armenian economy and have led to massive emigration. Many men, in particular, have left Armenia to find work abroad. Exact numbers are not known, but the International Organization for Migration (IOM) conservatively estimates that since 1991, between 800,000 and one million people have migrated from Armenia, either legally or illegally.\textsuperscript{26}

Out-migration has had a major impact on women. As men leave to go find jobs abroad, women are left with sole responsibility to take care of children, work to support the family and handle all household responsibilities. There have also been cases where men living abroad abandon their families in Armenia and start new lives and new families abroad, leaving their Armenian family with no source of income or support. In addition, the dearth of young men in the society and the intense social pressure to marry at a young age

\textsuperscript{24} Due to the unresolved international status of Nagorno Karabagh, this study does not include an examination of the status of women in that region.
\textsuperscript{25} Impact of Transition, p. 73.
\textsuperscript{26} Official 2001 estimates in the RA Statistical Agency’s “Socio-economic Situation in Armenia put the population at 3.8 million, based on earlier census data. The official census 2001 figure is 3.2 million, indicating a decrease of 600,000.
has led some women to consent to marriages which, while not technically “forced” marriages, were not completely “free” either. While the out-migration of many men has added pressure on many women, it has also forced some women to assume non-traditional roles in society, enabling a re-evaluation of some stereotypical gender roles.

The vacuum in the legal system has also resulted in a worsening corruption problem, one that affects nearly every sector of Armenian life. Corruption directly affects Armenians’ quality of and access to education, health care, employment, politics and other facets of public and private life. In a recent study, 71.9% of respondents believe that corruption is an inalienable part of Armenian life. Only 5.8% think that corrupting officials is not necessary in Armenian society and that everything can be done legally.  

A report by the United Nations Development Programme summed up the social context:

“Transition processes, the unresolved problems of the 1988 earthquake, and the repercussions of the Nagorno-Karabagh conflict, including the economic embargo, deteriorated heavily the social tissue of Armenia. The reforms were accompanied by plunging standards of living, mass unemployment, impoverishment of the population, and social polarization. The economic growth did not produce positive changes in the living standards of the population. The overall social situation of the country remains deplorable: the polarization of society is deepening and some groups of transitional poverty are stepping towards structural poverty.”

Some experts believe that the period of transition has caused such rapid social disruption that men and women are both clinging to traditions and customs which will provide stability. Many, if not most, Armenian women, embrace traditional roles and stereotypes. Men and women alike (including women’s NGO representatives, politicians and judges) discuss the fact that Armenian women’s “primary roles are as wives and mothers.” Many women have internalized their subordinate positions and the expectations that society places on them.

The strong pull of peer-pressure has also contributed to women’s self-regulation and trend towards conformity. There is a strong sense of what is appropriate for women and what is appropriate for men, and punitive social stigmas attach for those who do not conform to the rigid system of “cultural” social regulation. For example, women are expected to marry in their early twenties. Women are also expected to prioritize their family over their career or any other form of civic involvement. If they are "too involved" with matters outside the home, they are often perceived as bad mothers. The same expectations do not hold true for men. As a result, women have largely become willing participants in a trend toward conservative, traditional values that limit their public lives and reinforce stereotypes in the home. Moreover, this reliance on “custom” and “tradition” is often used to justify or rationalize discriminatory behavior toward women.

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It should be noted that while social mores hold firm throughout the country, there is also a difference between how life is experienced in Yerevan and other cities (where over 60% of the population lives) and how it is experienced in rural villages. In rural areas, stereotypes are held even more strongly and men and women’s roles are further differentiated. While there are indications that some long-held customs are breaking down in the urban areas (e.g., the trend of women marrying by their early twenties, men being the primary breadwinners in the household, etc.) this is not the case in rural areas where traditions continue to run deep.

The rapid transition of Armenian society has also been characterized by a sense of collective disempowerment and demoralization. Trust in government and hope for the future is very low among most people, and low-level depression and apathy move throughout the society. People feel that they cannot make constructive change in their society and so many are not willing to try. A recent survey found that most Armenians are very clear about the kinds of priorities that need addressing in their local community. However, it also found that 81% are not doing anything toward resolving the issues they mentioned as priorities.29

When asked why they were not taking any action, their responses included:
- No one will listen to me, nothing will be done (41%);
- It is beyond my capabilities (13%);
- I don’t know how, or who to talk to about this (3%);
- Too old, too tired, or too sick (3%); and
- I can’t do this alone (2%).

Women, in particular, tend to feel pessimistic about their own future. A survey of 1200 Armenian women, conducted by the Women’s Rights Center, asked respondents, “How has the Armenian women’s condition changed during the last 10 years?” Women’s responses showed an overwhelming sense that their situation had declined dramatically in the last decade. Nearly 40% of women said that women now carry the burdens of their families mostly on their own. Over 28% said that they continue to confront hardships together with men. Nearly 11% report that they have become more deprived of their rights and helpless, while 9.6% state that women continue to remain legally unprotected. Nearly 9% state that women continue to remain oppressed by men. And only 4.1% state that women have become happier and more protected. In addition, 59.6% expect their situation either to stay the same or get worse in the foreseeable future.30

With all of these external factors combining to create obstacles to the cause of gender equality, it is important to note that there are hopeful signs as well. There are a growing number of nongovernmental organizations committed to improving the lives and status of women in Armenia. The NGO community is making efforts to fill in some of the gaps that the State has been unable or unwilling to fill, in such areas as reproductive health education, leadership and political training and domestic violence work. As they grow in number and

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sophistication, the work of NGOs is becoming increasingly important in the halls of government and in the lives of individual Armenians.

The combination of factors outlined above have had important implications for the development of civil society, democratic social consciousness, and the implementation of Armenia’s obligations under the Convention for the Elimination of all forms of Discrimination Against Women. They place even greater importance on educating and empowering women about their rights and the principles of CEDAW.
Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of Concern:

• There is a general lack of understanding of the concept of “discrimination” as defined by CEDAW and its application in Armenian society.
• “Custom” and “tradition” are often used to justify behavior which constitutes de facto discrimination. (Article 1)

De jure Compliance

While legislation in Armenia does not incorporate the exact definition of “discrimination” included in Article 1 of CEDAW, it contains other definitions for discrimination which have essentially the same meaning.31

De facto Compliance

The average Armenian’s understanding of the concept of “discrimination” does not comply with the definition promulgated in CEDAW. Average Armenians understand discrimination as a basic unfairness and a negative thing, but they do not associate the term with gender or, if so, they define it in very benign ways. They often solely relate it to racial discrimination. At the same time, most Armenians agree that men and women should be treated equally.

For example, when asked whether there is discrimination in Armenia, most people will say that there is no discrimination. However, when women are asked if they have ever been fired from a job, many will say yes. Some will also say that they were fired because they were women. They will explain, however, that that is not discrimination because “it is more important to give a man a job than a woman, because the man supports his family.”32

In a recent survey conducted by the International Foundation for Election Systems (IFES),33 both men and women overwhelmingly believe that equal treatment of women and men is important. Regardless of age, 89% of women believe equal treatment of women compared to men is important. Men also believe that equal treatment of women is important, with 53% calling it “very important” and 29% calling it “somewhat important.”

31 See RA Constitution, Article 15, “Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, are entitled to all the rights and freedoms, and subject to the duties determined by the Constitution and the laws;” RA Constitution Article 16, “All are equal before the law and shall be given equal protection of the law without discrimination.”
32 Focus group participants
33 IFES Survey, 2-4.
Both men and women agree that women are currently not treated equally in society. Respondents stated that inequality is greatest in the following spheres:

- Positions of leadership: 30% (31% women, 29% men)
- Politics: 28% (29% women, 28% men)
- All government positions (except healthcare): 18% (18% women, 18% men)
- In villages: 14% (15% women, 12% men)
- In all spheres: 15% (15% women, 16% men)

When asked about their familiarity with CEDAW, only 13% of women, and 17% of men said that they were aware of the treaty. Of those who knew of the Treaty, 72% of women knew that Armenia had joined CEDAW, as did 84% of men.\footnote{IFES Survey, 23-36.}
Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Areas of Concern:

- While Armenian national legislation affirms the idea of "equality" of rights for everyone, it does not proactively promote equality of rights between men and women.
- Virtually no legislation exists explicitly prohibiting discrimination on the basis of gender.

De jure Compliance

The Constitution declares equality in a number of articles, however it does not affirmatively guarantee social, political or legal equality. The laws fail to meaningfully regulate discrimination in the private sector, and does not establish any effective tribunals to regulate discrimination claims.

De facto Compliance

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

As mentioned above, the Constitution of the Republic of Armenia embodies the principle of the equality of men and women through general equality clauses. These include Article 15 which provides, “Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, are entitled to all the rights and freedoms, and subject to the duties determined by the Constitution and the laws.” This is also underscored by Article 16 which states, “All are equal before the law and shall be given equal protection of the law without discrimination.”

See Article 38, RA Constitution, “Everyone is entitled to defend in court the rights and freedoms engraved in the Constitution and the laws.”
While these rights are declared in the Constitution, they are not, however, used or applied in practice.

(b) **To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

Although Armenian law has many declarations of equality for all people, it does not have any anti-discrimination laws which specifically prohibit discrimination against women. The single exception is one anti-discrimination clause based on pregnancy or being a nursing mother. 36 Criminal Code section 137 might be read to serve as an employment anti-discrimination clause however it is very general, stating that "the illegal dismissal of an employee by an official of a government or non-government organization or a company with personal motives, non-performance of court decisions relating to employment matters and other gross violations of labor legislation shall be punished by imprisonment of maximum one years." 37

(c) **To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**

No legal experts interviewed knew of any cases which had been brought to court regarding discrimination, equality of opportunity or other gender rights. Other than the formal court system, there are no other tribunals or alternative legal mechanisms to adjudicate discrimination claims. As will be discussed below, the formal court system is, *de facto*, not seen as a viable entity for resolving disputes, 38 and even if it were, there are no anti-retaliation clauses in Armenian labor law to protect a woman who may decide to bring a claim to court. Given the difficult economic situation in Armenia, women are not willing to risk their jobs to complain about working conditions or perceived discrimination. 39

(d) **To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;**

No efforts to ensure that public authorities refrain from engaging in acts or practices of discrimination have been undertaken by the State.

(e) **To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**

The State's efforts to eliminate discrimination against women have been limited, as will be discussed throughout this report.

36 RA Criminal Code, Article 139, "Rejecting to hire a woman in a government or non-government organization or a company on the basis of her pregnancy or being a nursing mother, or reducing her wages or dismissing her for the same reasons shall be punished by corrective labor."

37 RA Criminal Code, Article 137.

38 See discussion of relevancy of court system in discussion of CEDAW Article 15, below.

39 See discussion of CEDAW Article 11, below.
Following consideration of Armenia’s first periodic report to the CEDAW Committee of the United Nations (“the Committee”) in 1997, the Committee cited seven main areas of concern regarding Armenia’s efforts to eliminate discrimination against women. They were:

- The absence of a specific national body devoted to the advancement of women and the elimination of discrimination against women;
- The high rates of unemployment for women and the lack of any government measures aimed at creating employment opportunities for women;
- Violence against women;
- The paternalistic, restrictive labor laws which resulted in limitations on women’s employment opportunities;
- The lack of policies and programs to guarantee social security benefits to women who work in the informal sector;
- The increased number of commercial sex workers (CSWs) and lack of access to health services for CSWs; and
- The potential future adverse effects on women’s health from the health care privatization schemes.

In the five years which have ensued since the Committee made its recommendations, few of these issues have been addressed, and, in some cases, the situation has gotten worse.40

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

Armenia has not established any kind of national machinery to monitor compliance with CEDAW, nor has it established any enforcement mechanism to ensure the implementation of laws which promote and protect equality for women.

(g) To repeal all national penal provisions which constitute discrimination against women.

No such provisions exist.

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40 Most of these topics are discussed in detail in other sections of this report.
Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Areas of Concern:

- No national machinery exists to oversee implementation of Armenia’s obligations to combat discrimination and ensure equality.

De jure Compliance

No national machinery has been developed to ensure the implementation of legislation aimed at promoting equality of women in Armenia. There is also no enforcement mechanism in place to support anti-discrimination laws.

De facto Compliance

Armenia has adopted a number of plans, programs-of-action and other national initiatives to improve the status of women since acceding to CEDAW in 1993. These include creation of the following programs and institutions:

- President’s Commission on Human Rights
- Prime Minister’s Council on Women
- Department of Women, Children and Family at the Ministry of Social Security

While created as an outcome of the Beijing World Conference for Women, the “National Action Plan for Women” contained 21 points and was only implemented from 1998 - 2000. While envisioned as a five-year plan, the National Action Plan suffered from insufficient state financing. No final report was published, little research was conducted and there was little follow-through on any of the 21 points which made up the Action Plan.

Currently, several institutions exist which have supposed authority to deal with women’s issues. In April 1998, the Human Rights Commission was created within the President’s Cabinet, with authority to explore and review the full range of human rights issues in Armenia, including women’s human rights. The Commission is an advisory board and does not have authority or oversight for implementation of any human rights treaties. Its staffing, funding and authority are limited.

41 See RA Legislation, “Conception on Improvement of Women's Situation in the RA” (no. 242, April 15, 1998) and "National Action Program on Improvement of Women's Situation and Raising their Role in the Society” (no. 406, June 26, 1998).
The Women's Council in the Prime Minister's Cabinet was created in December 2000. Its members are mostly female politicians and NGO leaders. The Council meets solely in an advisory capacity and has a limited budget and no dedicated staff.

Recently, the Ministry of Social Security created a Department on Women's and Children's Issues. There has been discussion of creating a new high-level post within the Ministry (even a Deputy Minister position for Women's Affairs), but it is not clear if such a position will be created and what kind of resources and authority it will have.

It should be noted that in recent years, more research has been conducted and more data are available on the status of women. This includes statistics which are disaggregated by gender. Nongovernmental organizations have published a variety of reports, surveys and analyses of the situation of women in Armenia which have attempted to document the needs of women. Many of these reports have been conducted with support from the United Nations and other international organizations.

Armenia has ratified a number of important international conventions on the improvement of women's situation in society. These include CEDAW, the Convention on Equal Remuneration of Work, the Convention on Discrimination in the Labor Field and Employment, the Convention on Citizenship of a Married Woman, and the Convention on Discrimination in Education. Ratification of the Convention on Women's Political Participation is currently being debated in the National Assembly. No Ombudsman exists, although a draft law is currently pending to create one.

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42 The Council was established on December 29, 2000 according to Presidential Decree no. 862.
43 Research works have been published by the Ministry of Statistics (Family and Children in Armenia, Gender Study, 2000), the Ministry of Health (Demographic and Health Study, 2000), the Ministry of Foreign Affairs (Analysis of Women's and Children's Situation in Armenia).
Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Areas of Concern:

- The current quota for female parliamentary candidates is unrealistic and has not resulted in an improvement in representation of women in politics.
- No temporary special measures exist to accelerate de facto equality between men and women in spheres where large numbers of women work, and few are given leadership positions (i.e., the education system). This is also true in fields where women are seriously underrepresented (i.e., political decision-makers).
- Where temporary special measures have been implemented in the past, they have not been accompanied by public awareness campaigns or other measures which would change public attitudes so that long-term de facto equality is enhanced.

De jure Compliance

The one piece of legislation which mandates a temporary special measure in Armenia is Article 100, section 2 of the Electoral Code, which provides that 5% of every party list in elections for the National Assembly should be filled by female candidates.

De facto Compliance

The only example of a temporary special measure in Armenia is the requirement of including female candidates as 5% of a political party’s list for the National Assembly. Although the inclusion of female candidates was mandated by law, in the last parliamentary elections in May 1999, the women’s names were generally put at the bottom of the party list and no progress was made in increasing women’s representation in the National Assembly. To date, there are only four female deputies in the National Assembly.

Many human rights advocates and NGO representatives believe that the introduction of serious temporary special measures and their active implementation will be instrumental in improving gender equality in Armenia. Arguably, gender stereotypes inhibiting equality are so pervasive in Armenian society, that a positive change in representation for women (in government, in the workplace, in decision-making positions) will only come when mandated by law and accompanied by an attitudinal shift by the public.

44 “Temporary Special Measure” is a term of art, which refers to measures aimed at promoting de facto equality between men and women through the use of numerical goals, gender quotas, quantitative targets, and timetables.

45 See discussion of CEDAW Article 5, below.
It is important to note that quotas or other temporary special measures alone are not enough. In the Soviet era, women benefited from high levels of political representation at all levels of government because of nationally mandated quotas for representation.\textsuperscript{46} When these quotas were lifted after independence, women's representation in politics and nontraditional employment spheres plummeted, indicating that, despite decades of special measures designed to promote women's enfranchisement in such roles, negative public attitudes and stereotypes remained.

Attitudes towards the use of quotas for women in the Armenian political arena are mixed. In a survey conducted by the International Foundation for Election Systems (IFES), respondents were presented with two statements and asked their level of agreement:

A. To ensure fair representation, we should set aside a certain number of seats in the National Assembly for women.

B. Setting aside seats for women is unnecessary, since women should compete with men for the same elected positions.

Overall, more respondents agree with statement B (48\%) than statement A (42\%).\textsuperscript{47} Younger and older women are more likely to think that setting aside seats for women is unnecessary, while those 30 – 44 are more likely to agree with statement A. In contrast, over 50\% of men agree with statement B at each age level. Not surprisingly, men are less supportive of quotas that reserve political offices for women candidates.\textsuperscript{48}

\textsuperscript{46} See discussion in CEDAW Article 7, below. This was also true in the employment sector where many women held nontraditional jobs in the Soviet era.

\textsuperscript{47} The remaining 13\% consists of mixed positions on this policy, or those who do not know, or did not answer the question.

\textsuperscript{48} IFES Survey, pp. 22-36.
**Article 5**

*States Parties shall take all appropriate measures:*

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

**Areas of Concern:**

- Gender stereotypes are entrenched in Armenian society and negatively impact women’s efforts to achieve gender equality as contemplated by CEDAW.
- Rather than taking steps to modify the social and cultural patterns of men and women, the Armenian government has officially reinforced certain stereotypes and public attitudes in the opportunities it provides for women in government offices, the way it refers to women in State reports, and the minimal resources it commits to addressing the issues of women's human rights.

**De jure Compliance**

No laws or state-sponsored programs exist in Armenia to help ensure compliance with CEDAW Article 5.

**De facto Compliance**

"The power of tradition and custom in Armenia is so strong that in reality, laws cannot work... I am opposed to forgetting our roots and best traditions, but we must realize that women must be afforded the opportunity to realize her rights."[49]

Armenian society is traditional and custom-oriented. Gender stereotypes affect the perception of women’s and men’s roles in society, and women tend to internalize and rationalize discrimination as a manifestation of acceptable “national traditions,” “social customs” and what is "normal."

The stereotypes of gender in Armenian society are well elucidated in UNDP’s publication, *Women Status Report, Armenia 1999: Impact of Transition* which states:

“A man should be the head of the family, a breadwinner and a provider and his activism should be realised in society. He should be an authoritative and strong leader of his family, meaning that other family members expect some authoritarianism from him. It is a widely held belief that men think more rationally and make better decisions. A man is expected to act in a somewhat aggressive manner, especially outside the family (he should not fear competition, etc.)

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Conversely, a woman should focus primarily on family matters, while professional and civic activities should be of secondary importance to her. She should be a caring wife and a loving mother, and it is highly undesirable for her to be a masculine type of woman. In complete families, women are not required to play a key role in providing the means for the upkeep of the family, that role is reserved primarily for husbands.50

The UNDP report goes on to note that these stereotypes have undergone certain changes as women have begun to play more active roles in earning money for the family and have taken on more prominent roles in supporting their families as their husbands go abroad in search of employment. Additionally, many Armenian men have endured prolonged unemployment as a result of the dire economic situation in the country. This has had an impact on the image of the man as the traditional head of the family and the breadwinner, as men’s self-image is affected by such changes.51 And yet, in spite of this, stereotypes hold strong.

Gender stereotypes still impact upon the education, professional choices, and family status of both men and women.

As one expert notes, discrimination against women and girls in Armenia starts practically at birth, as a boy-child is celebrated as the heir and carrier of the family name, and a girl-child is perceived as one who will move to her husband’s home to become a future wife and mother. She said, “from a very early age, a girl is treated like a guest in her own home.”52

Throughout their formative years, boys are usually afforded more freedom of action and choice in Armenian society. They are encouraged to be aggressive, independent and ambitious. Girls are subjected to social standards which seek to limit their independence, protect their virginity and encourage them not to draw too much attention to themselves. They are taught to be quiet, humble and obedient.

A woman’s age is a key indicator of her place in society. Women tend to marry young (in their early twenties), and unmarried women are often subjected to social pressures and even discrimination. Unmarried women generally live with their families, both because of economic constraints and social dictates. Few women live alone. Armenian culture frowns upon single mothers53 and pre-marital sex is particularly disapproved of. These attitudes are even more pronounced in rural areas.

When a woman marries, she usually goes to live with her husband’s family. She is absorbed into his extended family and subject to the pressures of his parents (his mother, in particular). Due to particularly high rates of unemployment for older women and the general propensity for women to give birth while they are studying in univeristy, mothers-

50 Impact of Transition, p. 28.
51 Impact of Transition, pp. 28-29.
52 Interview with Zara Postanjian, 1 April 2002.
53 Attitudes are beginning to change regarding single mothers. The fact that many men are leaving their families behind as they go in search of employment abroad may contribute to this change in attitude. Single mothers are entitled to government benefits and, particularly in the big cities, they are more accepted than they once were.
in-law often serve as primary caregivers for their grandchildren. This gives them an even greater role in the life of young couples, and young women, in particular.

In spite of the discrimination which many (if not most) older women have been subject to throughout their lives, many older women do not strive to change things for the younger generation. They see this as “the way things are.” In fact, there are some cases of domestic abuse perpetrated by mothers-in-law against their son’s wife. In addition, it is often the family matriarch who sets up the rigid social norms within the family and who dictates what are and are not appropriate gender roles.

Most striking, however, are the attitudes that most Armenian women have about their place in life. Women generally tend to relate to the enormous burdens of their home lives, the discrimination they face in the workplace, and other pressures as "normal" and expected. As noted above in the discussion of CEDAW Article 1, Armenian women often believe that preferences for men over women are acceptable, that the rigid social roles are expected and that these attributes are a key part of the Armenian national character. Discussion of changing such roles, fighting discrimination or promoting equality is often understood by women and men alike as a "threat" to Armenian culture.

Not only do social pressures from outside (i.e., husband, family, friends, neighbors) impact a woman’s decisions about her career, profession, and family, but a woman limits her own opportunities by this form of internalization.

Armenian culture also places great importance on “keeping family matters private.” This has serious implications for women, particularly when they are in troubled marriages or are victims of abuse.

In professional spheres, stereotypes regarding “masculine” professions (e.g., military, engineer, civil engineers, drivers) and “feminine” professions (e.g., teacher, physician, service positions) also inhibit equal opportunity for men and women. These stereotypes are self-perpetuating (as men and women choose to go into traditionally “gender-appropriate” professions), and are also reinforced by the mass media and school textbooks.

As few women have achieved high professional positions – either in politics or business or other positions of leadership – there are a dearth of role models for young women to follow. In recent months, courses have been introduced in secondary schools and universities to describe the achievements and contributions of women into the development of Armenian and international culture. Various NGOs and international donors are conducting leadership development programs and advocacy workshops to help empower and educate women to defy stereotypes.

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54 Reliable statistics are not available on this form of abuse, but anecdotal evidence shows it to be not uncommon.
55 See discussion of domestic violence in CEDAW Article 12, below.
56 See discussion of stereotypes in textbooks in CEDAW Article 10, below.
57 Among the NGOs providing leadership development training are Women with University Education, the Women’s Republican Council, the Democracy Union, the Women’s Rights Center, UNIFEM, Armenian Girl Guides and Girl Scouts and many more.
It is also important to note the residual negative impact of Soviet culture and stereotypes on today's Armenia. Slogans of "equality" and images of women as workers in nontraditional spheres were rampant during the Soviet era. Such propaganda promulgated the Soviet social and political agenda. While it has not been scientifically measured, it seems that the rejection of all things Soviet has also had an impact on how messages of "equality" (which may be reminiscent of those older slogans) are understood and interpreted by Armenian society today. In addition, the fact that some of the leaders of the Armenian women's NGO community were also public figures in the Soviet era, may impact how their messages are received.\textsuperscript{58}

Finally, the Armenian Church is an interesting and under-researched entity which has growing influence in the evolving cultural norms of Armenia’s transitional society. Armenia, as the oldest Christian country in the world,\textsuperscript{59} has a rich religious heritage. The Armenian Church was tolerated by the authorities during the Soviet era and in recent years there has been a resurgence in religious observance among both young and old people. It is not clear what kind of impact the church has today, but it is clear that the church could play a role, either in reinforcing gender stereotypes or in espousing values of equality and non-discrimination between men and women.

\textsuperscript{58} For more about this, see discussion in CEDAW Article 7, below.

\textsuperscript{59} Armenia was the first country to adopt Christianity as its State Religion, in 301 AD.
Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Areas of Concern:

- Armenia has not yet ratified the UN Convention Against Transnational Organized Crime and its two protocols related to human trafficking.
- Armenia lacks shelters and/or services for the rehabilitation and reintegration of victims of human trafficking.
- The rapid growth of the commercial sex worker industry in Armenia provides opportunity for massive exploitation of economically vulnerable women. Services are not easily available for commercial sex workers to avoid exploitation.

De jure Compliance

There are no domestic Armenian laws which explicitly outlaw the trafficking of human beings. Various sections are applied to compensate for the absence of such legislation. Among the relevant sections of the Criminal Code are: Article 78 (illegal border crossings); Article 94 (extortion); Articles 112, 114, 115 (rape, sex with minors); Articles 117, 118, 220 (bogus marriage, polygamy); Article 226 (pimping); Article 130 (kidnapping).

Armenia has ratified six international instruments which relate to human trafficking. In addition, Armenia has signed eight bilateral and multi-lateral agreements related to combating trafficking. In late 2001, Armenia signed the UN Convention Against Transnational Organized Crime and its two protocols related to human trafficking, however they have not yet been ratified.

De facto Compliance

Human trafficking is increasingly recognized as a problem in Armenian society. Although exact numbers are not available, the problem is seen to be widespread - and growing. Armenia is both a source country and a transit country for human trafficking.

In September 2001, IOM issued a first-of-its-kind report on the situation of trafficking in Armenia. It concluded that the primary cause of trafficking is the “relative and absolute impoverishment and lack of decently paid job opportunities since the collapse of the USSR

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60 These include the Convention Related to the Status of Refugees (the Geneva Convention); the International Covenant on Civil and Political Rights; The Protocol Related to the Status of Refugees of the Geneva Convention; the Additional Protocol to the Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts; the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW); and the Convention on the Rights of the Child. See also, note 15, above.


62 These are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea or Air.

63 IOM Report.
and the subsequent transition to a market economy...on the other hand are gender roles and inequalities [that] make women particularly vulnerable to certain forms of trafficking such as that of the sex trade, to serve the needs of men.”

While small towns are exposed to trafficking, most instances of human trafficking originate in urban centers. Usually, economically vulnerable women are recruited. In a recent survey conducted by IOM of 59 women who had been trafficked and then returned to Armenia, nearly 75% of the women trafficked were divorced.

There is a sense among some people (experts included) that women who are victims of trafficking “know what they are in for.” However, 76% of trafficking victims surveyed said that they had gone abroad for employment and that they did not know that the work they would be doing would involve sex work. In contrast, 18% went abroad knowing that they would be engaging in prostitution.

Officially registered employment firms and recruiters are mainly involved in trafficking of women from Armenia into Turkey, Greece, Syria and the United Arab Emirates. As one expert put it, “Naturally, some do not suspect that they are being sent to be sold into slavery. They are being told, for instance, that they are going to pick mandarins for $1000 a month.”

While there are a variety of laws which can be used to prosecute elements of human trafficking, there is no general legislation to outlaw the practice. There has been some discussion in the National Assembly of including an article entitled “Trafficking in Human Beings” in the new Criminal Code but it is not clear whether it will pass.

In practice, suspects who are accused of human trafficking or other forms of pimping are brought to court but are rarely given serious sentences. Often, they can bribe their way out of a sentence or have the case dismissed altogether. In addition, those convicted of pimping or involvement in trafficking are often among the first to be released in amnesty grants. There are no known cases in which serious sentences were meted out.

Inter-governmental efforts to combat trafficking from Armenia have also been limited in their success. The government of the United Arab Emirates took clear measures to prevent trafficking by restricting the entry of single women under the age of 30 to the UAE. Yet experts say that those involved in trafficking of women from Armenia have found ways around these restrictions and there has been a noticeable increase in trafficked Armenian women in the UAE.

One area which requires much further attention is that of rehabilitating and reintegrating victims of trafficking. At present, there are no available shelters, psychological support or vocational training for victims of human trafficking.

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64 IOM Report.
65 IOM Report.
66 Other reasons given include business, marriage and holiday.
68 IOM Report.
The IOM Report has been followed up by the establishment of a working group to try to confront such issues. The NGO community, together with international organizations, has begun a comprehensive campaign to raise public awareness about the issue of human trafficking. The campaign is in its nascent stages, but efforts have been made to train border guards, passport control officers, consular officials and other law enforcement officials about how to prevent trafficking. At this point, there is no legislation pending to confront trafficking, however it is hoped that the RA will ratify the Convention Against Transnational Crime and its protocols as soon as possible.

The difficult economic situation and lack of employment opportunities in Armenia have led to a significant rise in prostitution over the last ten years. While exact numbers are not available, it is clear that the rise in the number of prostitutes also provides greater opportunity for their exploitation. A study conducted by the United Nations Population Fund\(^{69}\) stated that there are a variety of types of prostitutes who work in Armenia. These include street prostitutes, domestics, elites, accidental (by chance) and prostitutes who work abroad. While prostitution has not been legalized, it is also not actively prosecuted. In addition, laws against pimping and exploiting prostitutes are mostly not enforced.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Areas of Concern:

- The State is not taking proactive steps to ensure real equality of opportunity for women to be elected to public office.
- There is little cultivation of women to take on leadership positions in politics and in government work (including decision-making and policy-making).
- Many NGOs do not have strong internal strategic capacity and this may hinder their effectiveness. Infighting among NGOs is a major deterrent to effectiveness.
- The international donor community, which provides a majority of funding for Armenian NGOs, works with a core of well-known NGOs and does not reach out to cultivate and strengthen other organizations.
- International donor priorities are often inconsistent or change after short periods, preventing NGOs from creating long-term programming and impacting their institutional development.

De jure Compliance

While there is nothing in the laws or constitution of Armenia which limits the rights of women to participate in the political life of the country, there are also no incentives or temporary special measures to help them do so. Article 27 of the RA Constitution allows all citizens who are at least 18 years old to "participate in government." Article 2 of the RA Election Code ensures their right to vote. Article 3 of the RA Election Code also ensures "the right to elect or be elected."

In addition, the Constitution gives the right to association in Article 25. The Law on NGOs enables citizens to found, join and lead nongovernmental organizations, without regard to sex.

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70 RA Constitution, Article 27, "citizens of the Republic of Armenian who have attained the age of eighteen years are entitled to participate in the government of the State directly or through their freely elected representatives."
71 RA Election Code, Article 2, "RA citizens over the age of 18 have the right to vote in elections."
72 RA Election Code, Article 3, "Citizens having suffrage have the right to elect or be elected, irrespective of their national identity, race, sex, language, creed, political or other outlook, social or property status and other considerations."
73 RA Constitution, Article 25, "Everyone has the right to form associations with other persons, including the right to form or join trade unions…No one shall be forced to join a political party or association."
**De facto Compliance**

Ironically, women in Armenia are active politically via NGOs and social movements, but they are severely underrepresented in political office and politics itself. There are five female Deputy Ministers in the government, but no women serving at the Ministerial level in any of the 22 ministries. There are two female ambassadors in the Armenian diplomatic corps. Most of the local authorities and regional councils are also headed by men and have limited female participation and representation.

Only four of 131 members of the National Assembly are women.

\[(a) \, To \, vote \, in \, all \, elections \, and \, public \, referenda \, and \, to \, be \, eligible \, for \, election \, to \, all \, publicly \, elected \, bodies;\]

Under the Armenian Constitution, women and men have equal rights to vote and to be elected to and hold public office. However, there are a variety of social and practical factors which limit the actual ability of women to be elected in Armenian society. These include entrenched stereotypes of women’s roles; socialization of girls/women against political participation; lack of access to campaign finance, publicity and political connections; limited opportunity for leadership/political skills development; and a general disdain among the Armenian population for the elections process as a whole.

The Soviet system implemented a system of quotas which ensured at least 33% representation of women in the national parliament. While there were women in the parliament, they still were not afforded high positions of power or influential decision-making roles. When the quota system was abolished after independence, the representation of women in national elections plummeted, with only nine women candidates winning parliamentary seats out of 260 slots. In 1995, a new constitution was adopted and the number of parliament members was temporarily set at elected 190 delegates, and later modified to the current 131. In the 1995 parliamentary elections, 74 out of 150 districts had female candidates. Ultimately, only four women were elected for district-wide seats. Eight more were elected on the proportional party list ballots.

Today, women are not viewed as viable – or appropriate – political candidates by many in Armenian society. As one expert said, “The norms and values of our society demonstrate that politics is not a female sphere. Men should be engaged in politics and women should devote themselves to house and children...the society has clear stereotypes...

\[74 \text{RA Law on NGOs, Article 6, } "A \text{ citizen over the age of 18 can become a founder of an NGO. A citizen over the age of 10 can become a member of an NGO. A citizen over the age of 18 can become a member of the managing or supervising body of an NGO."}\]

\[75 \text{During the Soviet period, the system of elections was different. Women were not only elected via district elections and quotas, but special mechanisms (such as election via women’s councils and committees) also helped ensured female political representation.}\]

\[76 \text{The first parliament elected in Armenia after independence had 260 seats. The Constitution calls for the current 131-seat parliament after an interim Parliament made up of 190 delegates.}\]

\[77 \text{A Situation Analysis of Women and Children in Armenia, 1998; UNICEF, Government of Armenia, Save the Children. p. 116.}\]
concerning the predestination of the woman – she is first of all a mother, then a woman and lastly a politician.” This view is widely held, not only among men, but also among women.

There is also a view that women are not “suited” to political life. There is a sense that politics is dirty business and women should have nothing to do with it. Women are regarded as “the guardians of moral values in the society” and therefore they should not be “tainted” or compromised by engaging in the "morally bankrupt" business of politics.

In addition, boys are socialized to consider politics as a possible part of their public life while, experts contend, girls are not. Boys are encouraged to be ambitious, career-oriented and aggressive, whereas girls are taught to be quiet, humble, and obedient. As one current politician stated, “Politics doesn’t like weak people. It likes courage and persistence. Women are not trained to be that way in the process of socialization.”

A striking indication of this attitude is apparent in the response to the question of whether Armenians would encourage their daughter to run for political office. In a study conducted by the International Foundation for Election Systems (IFES), nearly half of the respondents (46%) say they would not encourage their daughter to run for office or would give her only mixed support. Only 24% said that they would “strongly encourage” their daughter to run for office.

At the same time, there is conflicting public opinion data about the electorate’s willingness to consider female candidates. When asked their opinions about the following statement: “A woman should not be involved in political events,” 64% disagree with the statement; 70% of women disagree, compared with 58% of men. Interestingly, older women and younger men tended to agree more with the idea that women should not participate in politics. This does not, however, indicate what kinds of roles are appropriate for women to play in the political sphere.

When asked if they would vote for an equally qualified female candidate in an election, 80% of respondents said that they were at least “somewhat likely” to vote for a woman. However there is a clear gender gap in the willingness of men versus women to vote for a female candidate. Only 45% of men aged 18-29 were “very likely” to vote for a woman (compared to 68% women in the same age range). Of men aged 30-44, 54% were “very likely” to vote for a woman, compared with 71% of women. And 53% of men aged 45 and older were “very likely” to vote for a woman, compared with 63% of women.

While this indicates a willingness to consider women as political candidates, the political culture of Armenia does not bode well for women seeking political office. At the same time, Armenian women have historically high rates of voter turnout and participation in elections.

78 Interview with Knarik Abelyan, 27 March 2002.
79 Interview with Knarik Abelyan, 27 March 2002.
80 See discussion of CEDAW Article 5, above.
81 Interview with Yuri Manukyan, 4 April 2002.
82 An additional 8% said that they did not know what they would do. IFES Survey, pp. 22-36.
83 IFES Survey, pp. 22-36.
84 IFES Survey, pp. 22-36.
Women in Armenia have not mobilized as an effective voting block, nor have they developed strategies to support female political candidates. As one expert said, “When speaking about discrimination, women give birth to it themselves. They do not welcome women politicians, do not support them, do not take part in their electoral campaigns. They vote for men.”

Armenian political culture is very locally oriented and tends to focus on the networking ability of the individual to gain support from neighborhood leaders, influential business people and prominent “patrons” within political parties in order to achieve success. Given the conservative nature of Armenian culture, this makes women’s de facto participation in the process very difficult.

Most political candidates have had some degree of financial success and are financially independent. This includes a large number of private businessmen and entrepreneurs who have made fortunes by taking advantage of the process of privatization and economic development which followed independence. As some experts have noted, this includes people who have been involved in the “shady” side of politics and privatization. Women have had little access to and even less success in these realms and therefore do not have the same access to funds and resources as men do.

Because there is social pressure for women not to draw too much attention to themselves and there are rigid lines of social behavior, it is not common for a woman to approach men and to socialize with them in the ways in which political deal-making is often done. As Deputy Education Minister Aida Topuzyan said, “Nowadays a clever woman would never stand for election, because she would not appear in the yards and the streets. For example, in 1998, I, myself, was nominated in the 7th Nork Massive [district] and such strange things happened that no self-respecting person would wish to socialize on such a level.”

Another factor impeding women’s widespread participation in the electoral process is the low regard with which most Armenians regard the system as a whole. The election process is mostly suspect in the minds of most Armenians. Armenia has no tradition of fair and impartial political competition since independence and the process of elections show that they largely have been held under difficult (and suspect) conditions.

In its final report on the most recent Presidential election in Armenia, in 1998, the Organization for Security and Cooperation in Europe (OSCE), which coordinated an observer mission during the elections, found that the election had had “serious irregularities” and had “sufficient evidence of vote fraud to require further investigation and

85 In fairness, there has been little civic mobilization in elections by any groups since independence – male or female – to advance their specific interests.
86 Interview with Gulnara Shahinian, 1 April 2002.
87 Interview with Emma Khudabashyan, 10 April 2002.
88 See discussion of CEDAW Article 13, below.
89 Interview with Aida Topuzyan, 25 March 2002.
90 ASA Survey, p. 15.
possible criminal charges.” Among the observations reported, “the Election Observer Mission observed ballot stuffing, discrepancies in the vote count, a large presence of unauthorised persons in the polling stations, and instances of intimidation directed towards voters, election commission members, candidate proxies and international observers.” The report notes that Armenia’s 1995 and 1996 elections were also substantially flawed and irregular. Other international organizations have also found recent elections in Armenia did not comply with internationally accepted standards for free and fair elections.

Just as the international community has observed such irregularities and problems in the Armenian electoral system, Armenians themselves know the problems of their system well and therefore tend to be suspicious of elections and treat them with some degree of disdain. As one expert said, “these are dirty games, very dirty!” Over 70% of respondents in a recent survey do not believe that elections generally reflect the wishes of most citizens. Moreover, only 19.3% believe that voting gives them an opportunity to influence decision-making in the country. Roughly 57% strongly disagree with this view.

As a result, seeking election through such a process also gives the individual the appearance of impropriety or moral compromise.

Three sets of elections are scheduled during the next twelve months in Armenia. These include local elections (September 2002), parliamentary elections (Spring 2003) and a presidential election (Spring 2003).

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

Armenia is sorely lacking in its enfranchisement of women into the political ranks and its compliance with Article 7(b). In an international survey conducted by the Inter-Parliamentary Group and published in early 2002, Armenia ranked 109 out of 179 nations in terms of female representation in the legislature.

In an effort to increase representation of women in the National Assembly, a law was passed to ensure that women had at least 5% representation in every political party list of candidates for the National Assembly. In reality, the parties placed the female candidates at the bottom of the lists and few were elected. As Aida Topuzyan, former head of the League of Women Voters and current Deputy Minister of Education, said, “We [the League of Women Voters] lobbied for the decision that 5% of party lists should be women, but we were so naive, we didn’t suspect that they would be placed at the end of the party lists. If we would have insisted on including women in the first five lines and the 5% barrier was passed by 10-15 parties, we would have 12-13 women in the parliament today [instead of 4].”

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92 Interview with Aida Topuzyan, 25 March 2002.
93 ASA Survey, p.15.
94 In contrast, Azerbaijan ranked 66, Georgia is 98 and Russia is 86. Inter-Parliamentary Group Report, 10 April 2002. www.ipu.org.
A national lobbying campaign has begun, initiated by It’s Your Choice (IYC), a nonpartisan youth NGO, to expand women’s representation on political party lists to at least 25%, with at least 2 female candidates named among the first ten slots on the list. IYC is trying to galvanize grassroots organizations as well as women’s groups and parliamentarians to make the changes in the election law before the upcoming rounds of elections starting in Fall 2002. A coalition of women’s NGOs has also been formed and is increasingly active on this issue.

There is also a dearth of women in decision-making or policy-making positions within governmental offices. One expert speculates that this is due to the lack of adequate training and cultivation of women for government service.95

The few women who occupy high positions in government offices are well aware of their unique positions, but rather than trying to open the door to other women, they tend to exhibit a high degree of conformism and undertake passive roles. They generally do not want to serve as role models or mentors to other women and they rarely take the initiative to bring in or involve more women. As one person noted, “[once they attain power], women don’t want to lose their positions. They are afraid of losing what they have conquered.”96

Along those lines, some experts working in the government believe that there is no actual discrimination against women in the governmental sphere. They say that the reason that there are so few women in political positions is that women have no wish or aspiration to hold high positions. As a highly placed woman in the Prime Minister's Office said, “Women fighting for and deserving high positions will achieve such positions. The fact that I am here shows that there is no discrimination!”97

There is still a general sense that the overall situation in Armenia has deteriorated dramatically since the collapse of the Soviet Union. This is also true for the position of women in society. Thirty percent of women and thirty-three percent of men ‘strongly agree’ that ‘under the Soviet system, women had much more influence in decision-making process of Armenia.” Another 21% of women and 20% of men ‘somewhat agree’ with this position.98

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Although Armenian women have had limited access to elected office or high-level policy-making, they have maintained interest and involvement in the public sphere by founding, joining and supporting non-governmental organizations (NGOs).

According to data from the NGO Center, 80% of heads of NGOs are women. In addition, approximately 80% of NGO members/supporters are also female. As one person explained the huge level of NGO participation of women, “women, possessing a flexible way

95 Interview with Gagik Harutiunyan, 5 March 2002.
96 Interview with Gulnara Shahinian, 1 April 2002.
97 Interview with Karine Kirakosyan, 1 April 2002.
98 IFES Survey, p. 23-36.
of thinking, have found their place in the social [NGO] sector. This is in contrast to the Government and Parliament which are more petrified mechanisms.”

The NGO sector in Armenia is still emerging. Confidence in NGOs is relatively high among the Armenian public, with 40% of respondents stating that they have at least a fair amount of trust in women’s organizations, international organizations, and NGOs. 43% also believe that NGOs serve an important role in Armenian society.

The role of those NGOs and their impact, however, is still not determined. While there are a large number of organizations officially registered as NGOs, the number of organizations actually operating is much smaller.

Of particular concern with regards to the evolution of the NGO community (and particularly the women’s NGOs) are their internal capacity and strategic planning abilities; their reliance on international donors (and therefore, their susceptibility to the changing whims of donor priorities); and the infighting and internal politics which characterize the relationships among the various organizations.

Many women’s NGOs were founded after independence. Some of them recreated themselves from organizations which had functioned during the Soviet era, expanding their missions beyond social welfare work into conflict resolution projects (particularly in light of the Nagorno Karabagh war) or leadership development work.

The leadership of most of the larger, well-known women’s organizations are older women, in their fifties and upwards. Their organizations are well entrenched and well known by the Armenia’s political leadership, the international donor community and, to a lesser degree, by individual citizens. Their efforts to raise the profile of women’s concerns within the government and in the public sphere as a whole have been laudable. They have been instrumental in pushing forward even the minimal efforts which the government has undertaken to improve the status of women in Armenia.

Because many of the leaders of the women’s NGOs were well-known personalities in Soviet times, their messages of “equality” are sometimes interpreted through the lens of "Soviet-era equality." This sometimes marginalizes their messages and does not permit a full discussion of the underlying issues. In addition, their leadership style is highly centralized.

Various attempts have been made to unify the women's NGO community, in the guise of organizations like the Forum of Women, the All-Armenian Women’s Organization, and the Council of Armenian Womens’ Organization, however these attempts have not succeeded. Nearly all leaders of women’s NGOs will agree that in order to achieve substantial gains, they need to cooperate and unify their efforts. The urgency of certain topics, such as lobbying parliament regarding political representation for women, has pushed the women's NGOs to cooperate.

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99 Interview with Gulnara Shahinian, 1 April 2002.
100 IFES Survey, p. 22.
101 Today, there are more than 2,000 registered NGOs in Armenia, Armenia, NGO Sector Assessment 2001, USAID/NSP.
102 Such efforts are discussed in CEDAW Article 3, above.
The international donor community has also played a role in the factionalization and shifting priorities of the women’s NGO community. Although exact figures are not available, it is well known that international donors provide the largest single source of funding for Armenian NGOs. The reliance on outside donors makes the NGO community dependent on the donor's priorities and preferences. Given the fact that many NGOs do not have strong internal capacity and strategic planning skills, this often creates an atmosphere in which NGOs change focus and adapt their programming priorities in pursuit of funding. Rarely have women's NGOs in Armenia been given institutional grants which would support their internal development. NGOs "run after" the funding, and do not have the ability to create infrastructure, priorities and capacity beyond the program grants that fund their work. This also does not allow, de facto, for priority setting by the NGOs themselves. When donors change their priorities (which happens often), programs often stop, organizations shift focus and the work is not continued because alternative sources of funding are not available.

The facts of limited funding and high need for services and programs, also lead to serious competition among NGOs. Several NGOs which work on women's projects are well known by the international community and they get the bulk of funding. International donors tend to rely on these organizations and rarely seek out alternative groups, leaders and programs. This leaves little room for new organizations and new leadership to emerge.

Organizations like World Learning, Inc. and the NGO Center provide technical assistance in NGO strengthening and capacity building. They have made efforts to help NGOs overcome these dynamics and work together more effectively.
**Article 8**

*States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

**Areas of Concern:**

- Women are under-represented in international delegations and have few opportunities to work in international organizations on behalf of the Republic of Armenia.

**De jure Compliance**

The Law on Diplomatic Service allows for both men and women to serve in the diplomatic corps.

**De facto Compliance**

As with CEDAW Article 7, Armenia’s compliance with its obligations to ensure women the opportunity to represent their government internationally and to participate in international organizations is lacking.

This was typified by the appointment of the State’s delegation to the United Nations for the presentation of Armenia’s First Periodic Report to the CEDAW Committee in 1997. The official delegation from Armenia consisted of five men and no women.\(^{103}\)

There are currently only two female Ambassadors in the Armenian diplomatic corps. One is posted in Germany, the other in Bulgaria.

Along with the fact that the State does not make opportunities available for women to participate and represent Armenia internationally, as has been noted previously,\(^{104}\) there are strong social pressures which may also prevent a woman from pursuing certain professional options (such as international travel). However, the State has done nothing to encourage women to participate in such delegations and to ease any such social pressures.

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\(^{103}\) Interview with Nora Hakobyan, 29 March 2002.

\(^{104}\) See discussion in CEDAW Article 5, above.
**Article 9**

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

**De jure Compliance**

The Law on Citizenship defines the ways in which individuals obtain, retain, change or terminate their citizenship. By law, men and women have equal rights to acquire, change and retain their nationality. Of particular interest are Articles 1, 26, and 11.105

With regards to children’s nationality, the citizenship of the child is determined by the parents’ citizenship. Where both parents are citizens of the same country, the child acquires their citizenship. In the event that the parents are of different nationalities, the child acquires the citizenship of the country in which they live.106 Minors – even newborn children - have their own passports. Men and women have equal rights in determining the citizenship of their minor child.

**De facto Compliance**

The Law on Nationality is fairly well applied and is not implemented in any overtly discriminatory way.

“The legislation stipulates the right of free choice of citizenship. There is no discrimination here. If a woman marries a citizen of another country – Mozambique or Zimbabwe – she has the right to decide herself whether to change her citizenship or not. The same is true with the husband. He can either keep his citizenship or acquire that of his wife.”107

One person pointed out that the fact that the nationality laws are being constantly used, with people changing (or trying to change) their nationality in order to emigrate, shows that they are not discriminatory. As she said, “It’s no secret that thousands of means are being used to leave Armenia, and many methods are used to acquire the citizenship of

105 RA Law on Citizenship, Article 1, (part 2), “Any person has the right to acquire RA citizenship in accordance with the procedure set forth in the law.”; Article 6, (parts 2 and 3), “Marriage of an RA citizen with a foreign country’s citizen shall not result in change of the citizen’s citizenship by itself...Change of citizenship on the part of one of the spouses shall not result in change of citizenship of the other spouse.”; Article 11 (parts 2, 3, 4), “A child shall get RA citizenship if at the moment of his birth one of his parents was a RA citizen and the other is unknown or is a person without a citizenship...Citizenship of a child shall be determined by written agreement of the parents in case at the moment of the child’s birth one of the parents was an RA citizen and the other was a foreign citizen... In case the parents fail to reach an agreement, the child shall get RA citizenship if he was born in the RA or if he becomes a person without citizenship due to failure of acquiring RA citizenship, or if his parents permanently reside in the RA.”

106 Interview with Gegham Karakhanyan, 4 April 2002.

107 Interview with Sergei Arakelyan, 2 April 2002.
another country and to have the right to reside there. There is a phenomenon of women marrying foreigners in order to acquire their citizenship.”\textsuperscript{108}

At the same time, the Law on Nationality has been streamlined to provide easier access for refugees from the Nagorno Karabagh war to apply for Armenian citizenship. Between 1988 and 1992, as a result of interethnic clashes, about four hundred thousand ethnic Armenians living in Azerbaijan were forced out and found refuge in Armenia.\textsuperscript{109}

\begin{enumerate}
\item States Parties shall grant women equal rights with men with respect to the nationality of their children.
\end{enumerate}

As described above, it appears that women and men have equal rights in determining the nationality of their children.

\textsuperscript{108} Interview with Karen Zadoyan, 29 March 2002.
**Article 10**

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

**Areas of Concern:**

- Families sometimes prioritize the education of the boy over that of the girl, particularly in situations of financial need, pending military service or where the school is located far from home.
- There is clear discrimination in the number of female school administrators who work in the Armenian education system, versus the number of male administrators, in spite of the fact that the majority of teachers are women.
- Some textbooks reinforce traditional gender stereotypes of girls cooking, serving and sitting passively while boys are active, performing physical activities.
- The Law on Military Service, which provides a deferment for boys who study at university may provide a de facto incentive to discriminate against girls in enrollment for competitive classes, awards of scholarships and admission to post-graduate programs.
- Gender-tracked courses in secondary schools (e.g., "Labor and Housekeeping") reinforce gender stereotypes.
- The State does not provide education regarding reproductive health, sexual education or family planning in the school system.

**De jure Compliance**

The Constitution ensures every citizen the right to education.\(^{110}\) The Law on Education affords that right irrespective of sex.\(^{111}\)

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\(^{110}\) RA Constitution, Article 35, "Every citizen is entitled to education."

\(^{111}\) RA Law on Education, Article 6, part I, "The laws of the RA ensure the right to education irrespective of nationality, race, sex, language, religion, political or other views, social origin, property or other status."
Article 9 of the Law on Provision of Healthcare Services to the Population provides that "Everybody, including juveniles (emphasis added), have the right to receive information on protection of their sexual health, diseases communicated by means of sexual intercourse, their after-affects and consequences."\(^{112}\)

**De facto Compliance**

Experts, parents, teachers and students agree that there is no overt discrimination against girls in the educational system in Armenia. Education is highly valued in Armenian culture. As one focus group participant said, “‘Education for All’ is the guiding principle working in Armenia.”\(^{113}\) There are, however, several trends which are of concern and which may, *de facto*, limit opportunities for girls in the choice of education and professions.

\[
(a) \text{ The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training:}
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Due to the high cost of education, families are sometimes forced to choose which child will attend school.\(^{114}\) Although one expert thought that the parents would choose the most talented child, and not the boy or girl on the basis of sex,\(^{115}\) most people interviewed felt that the family would choose the boy. As one person said, “Due to socio-economic conditions and our national mentality, according to which the man in our society is the head of the family and its bread-winner, in case of a choice, the parents will give the preference to the boy.”\(^{116}\)

Centers of higher education (universities, colleges, specialized vocational training institutes) are generally located in the large cities in Armenia. In the case of higher education for students from rural areas, boys often go to study while girls stay home. This is due to several factors. Conservative culture frowns upon girls leaving their parents’ home, particularly if they will be unchaperoned. As one focus group participant said, “I would never let my daughter study in Yerevan. I have no relatives there. How can she live alone in the dormitory?”\(^{117}\) In addition, there is a sense that education is a better “investment” for a boy than for a girl, because “he must be strong to take care of his household.”\(^{118}\) This is not understood as discrimination, but rather as a “necessary prerequisite” to ensure the future not only of one’s own child, but also of one’s grandchildren and future progeny.

**Polarization of Professions**

Where there might not be overt discrimination in access to education, there is, what one expert calls, “polarization of professions,” where young men often choose technical

\(^{112}\) RA Law on the Provision of Healthcare Services to the Population, Article 9.

\(^{113}\) Focus Group on Education Issues, 30 March 2002.

\(^{114}\) While education is provided to all, parents are required to pay both formal fees for activities, textbooks, clothing, etc., and informal payments to teachers, tutors and administrators. This is discussed further below.

\(^{115}\) Interview with Norair Gukasian, 1 April 2002.


\(^{117}\) Focus Group on Education Issues, 30 March 2002.

\(^{118}\) Interview with Victor Martirosian, 29 March 2002.
professions and girls choose professions in the humanities.\textsuperscript{119} While there is no career guidance or “tracking” which point students towards particular career paths in school, there are clearly subtle social pressures which point young people into “gender appropriate” careers.\textsuperscript{120}

\textit{The Law on Military Service}

The military draft for boys and the pressures of marriage and childbirth for girls sometimes affects the ability of boys and girls to study at university and in post-graduate programs.

According to the Law on Military Service, men aged 18-27 are drafted into the army.\textsuperscript{121} They are provided with a deferment if they are enrolled in a university as an undergraduate, masters or post-graduate student. This leads to a well-known phenomenon whereby boys are sometimes given preferential treatment in admissions and scholarships to help them defer the draft. While there is an impetus for accepting more boys into higher levels of educational institutions, there is also subtle (or sometimes overt) discrimination against young women who are seeking to continue their education. Administrators sometimes assume that young women (most of whom marry while they are at university), will become pregnant and have other household duties which will prevent them from being fully available for their studies. Therefore, the reasoning goes, slots are better given to young men. This is not seen as discrimination, but rather, a “normal” reaction.

It is not uncommon for university administrators to clearly articulate the reasons for their discrimination. One focus group participant gave an example of how the Dean’s office prohibited her from enrolling in a post-graduate course, saying that she would be married in a few years and then she would not be able to give much time to science – and the vacancy would be wasted.\textsuperscript{122}

While the State may not be actively discriminating against female students in its policies and procedures, it is doing little if anything to compensate for the well-known social pressures from families and peers which sometimes result in girls having unequal educational and professional opportunities from boys.

\textit{Educational “Perks”: Bribes and Tutors}

When discussing the educational system, it is important to note that two significant factors also affect a child’s success in the Armenian education system: 1) the impact of bribes, and 2) the ability to hire private tutors.

Survey data show that 34.8\% of respondents believe that there is widespread corruption in the educational system. Overall, “unofficial payments” are made mainly to enroll children in educational institutions (59.7\%), to get higher marks (43.6\%) and to focus a

\textsuperscript{119} Interview with Norair Gukasian, 1 April 2002. This is discussed further in CEDAW Article 11, below.
\textsuperscript{120} This is discussed further in CEDAW Article 5, above.
\textsuperscript{121} Women are not drafted into the military. This is problematic as there are special social benefits for military veterans and women are generally not entitled to such benefits.
\textsuperscript{122} Focus Group on Education Issues, 30 March 2002.
teacher’s attention on a child (22.2%). There is no indication that bribes, unofficial payments or private tutors help boys more than girls, but the fact of extra payments and expenses for education may affect a family’s decision to educate a boy-child over a girl-child and clearly influences a child’s access to education.

In addition, those students who cannot afford to hire private tutors often have a much harder time passing university entrance examinations. This is true for both boys and girls. “In general, poverty and parents’ unemployment are obstacles to getting an education as young people whose parents cannot afford private tutors have less chance of passing university entrance exams, which in turn means that they cannot study free of charge. As a result, poor students often cannot study at all, and higher education becomes inaccessible.”

*Discrimination in School Administration*

Discrimination in the Armenian educational system finds its most blatant expression in the staffing of schools and educational institutions. Although over 80% of teachers are women, in most schools, men are the senior administrators. Experts admit that the lure of becoming a senior administrator is used to attract men into the educational system.

There is an acknowledgement that the school system is “too feminized” and that there needs to be a more visible male presence in the educational system. For this reason, says one expert, “sometimes even when the professional level and education are the same, the preference is given to the man.”

“Although on the whole our education system has a ‘feminine face’, on the decision making level this face becomes ‘masculine.’” Out of 11 provinces, the post of Provincial Education Director is held by a woman in only one province (Ararat).

At the university level, there is an opposite advantage for male instructors and professors. As more men have Ph.D.s than women, the heads of departments, curriculum advisors and textbook authors in the educational system also tend to be men.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

Secondary school curricula are approved by the Ministry of Science and Education, however the administrator of each school autonomously determines how it is implemented. Therefore, schools have a certain degree of autonomy in determining their programming.

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123 *Public Sector Reforms Report*, p. 22. Interestingly, there is a qualitative and quantitative difference in what is considered to be a “bribe” in the educational system. The report states: “[R]espondents do not consider unofficial payments made in kindergartens and schools to be a bribe, whereas unofficial payments made in the secondary vocational schools and universities have definitely been considered to be bribes by more than 1/3 of the respondents... Hence, one can conclude that concept of bribe is related to its functional significance and value: if unofficial payments purchase accessibility or right to use this service [such as payment to obtain a better mark], it is qualified as a bribe.”


125 Interview with Norair Gukasian, 1 April 2002.

126 Interview with Aida Topuzyan, 25 March 2002.
While most classes in the Armenian educational system are co-educational and use the same curriculum, textbooks and examinations, there are several subjects which are taught in the schools which are specifically gender-focused. These include a “Labor and Housekeeping” class in which, as one expert says, “Under the curriculum, the boys are taught ‘masculine’ professions, such as metal and wood processing, and the girls are taught ‘feminine’ professions such as cooking and dressmaking.”\textsuperscript{127}

While administrators profess that the metal-working and cooking tracks are open to all students, the truth is that no boys or girls cross the line of what is considered “gender-appropriate.” As one expert said, “If a girl wants to work on a machine-tool, no one will prohibit her from doing so. However, frankly speaking, in my experience, I have not met a single case like that.”\textsuperscript{128} Another expert said, “Maybe some boys would like to learn knitting, but they will never do it for fear of being laughed at by their peers.”\textsuperscript{129}

In addition to being gender-tracked, the “boy” courses are taught by male teachers, and the “girl” courses are taught by female teachers.

It must be noted that the secondary school curriculum has been amended to replace the “Labor and Housekeeping” course with a course in “Labor Technology” which will focus on computer and technology training. It is not clear when and how these courses will be implemented, given the need for capital investment in wiring schools for computers, buying equipment and training educators to teach technology classes. There is currently no realistic time frame for replacing the “Labor and Housekeeping Classes” and they continue as part of the school curriculum.

Six universities currently offer some courses in gender issues\textsuperscript{130} (four in Yerevan, one in Gyumri and one in Vanadzor). The number of courses are limited. Also, the number of instructors qualified to teach such courses is limited. Currently, efforts are underway to create a reader for use in universities on Gender Aspects of Conflictology and Peace Building (working title). The reader is being coordinated by UNIFEM and training in its use will be provided for interested lecturers at universities which wish to use the materials.\textsuperscript{131}

\begin{center}
(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;\end{center}

Armenian textbooks are written almost exclusively by men. The illustrations and texts of many primary and secondary school textbooks contain clear gender differentiation, with boys/men seen engaging in active work, “male”-oriented labor and physical activity,

\begin{flushleft}\textsuperscript{127} Interview with Norair Gukasian, 1 April 2002.\textsuperscript{128} Interview with Silva Khrimian, 24 March 2002.\textsuperscript{129} Focus Group on Education, 30 March 2002.\textsuperscript{130} These courses are supported by the Organization for Security and Cooperation in Europe/Office of Democracy and Human Rights (OSCE/ODIHR).\textsuperscript{131} Survey of Gender Studies and Conflictology Courses in the Higher Education System of Armenia, 2001. UNIFEM – Conflict Resolution and Peace Building in Southern Caucuses Project.\end{flushleft}
while girls/women are depicted working on household tasks (such as cooking or serving food), playing with dolls or other “girlish” toys, or sitting passively. As one focus group member said, “With the help of visual examples, we can also change the mentality of our children. Why is it impossible to depict a man washing dishes in textbooks?”

In addition, there is little information in textbooks about the contribution of women to the development of culture, science, literature, politics or civic life. There is little discussion of female politicians or public figures.

It should be noted that certain NGOs and international organizations are taking some preliminary steps to address curriculum issues. For example, Junior Achievement has created an elective human rights training course for students in the 8th grade, which includes, among the topics covered, a discussion on women’s rights and CEDAW. The textbook has been used in a number of schools this year.

The State does not provide any training or support to expand the curriculum and to train teachers to include such topics.

Finally, the fact that teachers and administrators hold roles which are stereotypically gendered (e.g., female teachers v. male administrators/decision-makers; female “Housekeeping” teachers v. male “Labor” teachers, etc.) models and reinforces concepts of gender hierarchies. As one focus group member recognized, “Male teachers must be an example to the students, by showing that making salads and sewing is not shameful.”

(d) The same opportunities to benefit from scholarships and other study grants;

General consensus among experts is that boys and girls have the same opportunities to benefit from scholarships and other study grants. In some cases, they say, girls tend to be awarded scholarships more than boys because they tend to be better students. However, no hard data was available regarding the prevalence of academic awards.

And yet, for reasons outlined above, experts also agree that boys, de facto, tend to be awarded scholarships more regularly at the university level, both to facilitate their post-graduate study (and therefore, their draft deferment) and due to the sense that boys are more “deserving” to study at the university level since they will be supporting their families.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

The literacy rate for both men and women in Armenia is very high – estimated at 99%. There is a program of continuing education for people who have not been able to complete their secondary school education for whatever reason. These people have the opportunity to complete their education via external studies and to take an equivalency examination in order to get a high school certificate. This is available equally for men and

132 Focus Group on Education Issues, 30 March 2002.
133 Focus Group on Education Issues, 30 March 2002.
for women, although more men choose to complete their education and utilize these services. This is probably due to the social pressures and stereotypes outlined above.

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

There are no specific programs in place to reduce female dropout rates or to specifically assist girls who have left school prematurely. Cases of premarital pregnancy are very rare in Armenia and as a result, there are few cases in which girls drop out of school due to pregnancy. There are no school rules banning pregnant students, and the general sense is that pregnant students could continue to study, however social pressure usually forces them to drop out.135

In contrast, most women marry in their early twenties and have children soon thereafter. Therefore, there are many women who study in university while pregnant and many who have small children. There are no special services available to assist them in balancing their studies and their responsibilities to care for their young children. Instead, families (the woman’s parents or in-laws) will usually assume responsibility for the young child while the woman studies and/or works.136

(g) The same opportunities to participate actively in sports and physical education;

Girls and boys are both afforded the opportunity to participate in sports, although the types of sports offered and the physical activities encouraged are different for boys and for girls. Boys are encouraged to do weight training and to participate in team, competitive sports (including informal, after-school activities), while girls are encouraged to engage in dance, aerobics and gymnastics. As one expert says, “It is clear that sports teams are meant exclusively for boys... In this respect, boys are given advantages.”137 There are some limited opportunities for girls to participate in team sports but few teams are organized and participation is sparse.

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

There are no courses on reproductive health or family planning in the standard primary or secondary school curricula of Armenian schools.

While some people believe that such subjects should not be taught in schools (“Such subjects are no good for schools. They contradict our national traditions.”138), others believe that schools are the best place to discuss such topics (“Such subjects are necessary for our students since it is not conventional to discuss sexual education issues in Armenian

135 Interview with Silva Khrimian, 24 March 2002.
136 For a further discussion of the role of the mother’s parents and in-laws in raising young children, see discussion in CEDAW Article 16, below.
137 Interview with Knarik Abelian, 27 March 2002.
138 Interview with Anahit Bakhshian, 29 March 2002. As one focus group member put it, “Maybe in a few years our society will understand that the subjects related to family planning must be taught – starting in elementary school. But at this point, we aren’t ready for it.”
families.”139) There is a sense that the issue of family planning and reproductive health education is controversial in Armenian society; however, public education campaigns which have recently been undertaken to promote family planning and contraception have been generally effective and well received.140

An elective course on “Life Skills” has been introduced in some Yerevan schools, supported by the United Nations Population Fund. Implementation of the course is left to the discretion of school administrators, and the course includes one session on family planning issues. Also, in 2003, with the support of UNICEF, the Armenian Ministry of Science and Education plans to introduce an elective “Sexual Education” course. However, at present it is not clear if there are textbooks available or specialists trained to teach the subject.

139 Interview with Silva Khrimian, 24 March 2002.
140 See discussion of CEDAW Article 12, below.
Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
   (a) The right to work as an inalienable right of all human beings;
   (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
   (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
   (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
   (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
   (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
   (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
   (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
   (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
   (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of Concern:

- There is no enforcement mechanism to ensure that labor laws and employment regulations are enforced by private employers. Given the difficult economic situation, this enables employers to exploit workers and, in particular, women.
- Protective legislation regarding a woman’s work obligations while pregnant or when she has small children hinders women’s opportunities for equal employment and success in the professional sphere.
- Current pregnancy and maternity leave laws de facto encourage discrimination as they constitute significant disincentives to hiring women.
- There are no provisions for social benefits for people (men or women) working in non-monetised sectors of the economy.
- Sexual harassment is not recognized as a problem and there are no legal remedies available for women who have been sexually harassed.
- There are no anti-retaliation or whistleblower protection laws to protect individuals who seek to enforce their rights against employers in court.
De jure Compliance

There have been no major revisions of the Armenian Labor Code since independence. As a result, many of the laws which do exist are outdated and inappropriate for a market economy.

Wages

There is no equal pay provision in Armenian law, however there is a clause which states that any reduction of wages on the basis of sex is prohibited. In addition, there is a clause which states that “Everyone is entitled to wages that are fair and that are no lower than the minimum established by the State…”

Right to Work

Armenian law permits freedom of choice of employment and includes a prohibition on arbitrary refusal of employment. However, there is no explicit right to work (for women or men) in the Armenian constitution or laws.

Protective Legislation

The Armenian Labor Code includes expansive protective legislation which prohibits women from engaging in “heavy and dangerous works” and which restricts an employer’s ability to employ women in particular fields involving underground work or heavy lifting. Furthermore, women are not permitted to engage in night work, except in special circumstances.

In addition, RA Labor Code Article 186 states that, “It is prohibited to employ pregnant women and women with children under two years of age in night and overtime work, on off-days, and to send them to business trips.” No such prohibitions are made for fathers of children under the age of two.

Armenian law also restricts work and overtime work for mothers of children from age two to eight, requiring that employers first seek the consent of the woman for overtime work or to travel on business trips. No such requirements exist for men with children of the same ages.

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141 RA Labor Code, Article 83, part II, “Any reduction of remuneration of the employee for the reason of sex, age, race and origin shall be prohibited.”
142 RA Constitution, Article 29.
143 RA Constitution, Article 29, “Every citizen is entitled to freedom of choice in employment.”
144 RA Labor Code, Article 16, “It is prohibited to refuse in employment without any reason.”
145 RA Labor Code, Article 184, “It shall be prohibited to involve women in heavy and dangerous works, as well as in underground works, except for non-physical underground works or those associated with sanitary or everyday servicing. The list of heavy, dangerous works as well as the weight standards shall be established by legislation. It shall be prohibited to women to move or replace heavy things (weights shall be established by legislation).”
146 Ibid.
147 RA Labor Code, Article 185, “It shall be prohibited to involve women in night works, except for those spheres of economy where it comes from a special necessity and it is allowed as a special measure.”
148 RA Labor Code, Article 186.
149 RA Labor Code, Article 187, “Women with children age two to eight can not be employed overtime or be sent to business trips without their consent.”
Pregnancy and Maternity

The Marriage and Family Code provides an illuminating overview of the law’s attitude toward women and motherhood. It states, “The interests of the mother and child are protected by special measures aimed at the safeguarding of women’s work and health, by creation of conditions that would enable women to combine work with motherhood, legal protection of motherhood and childhood, providing women with pregnancy and delivery leaves in addition to financial and moral support, preserving the salary and granting other privileges to pregnant women and mothers.”\(^\text{150}\)

Maternity leave is assured under Armenian law.\(^\text{151}\) Article 191 of the RA Labor Code permits women to take up to three years of maternity leave, although part of the time is without benefits.\(^\text{152}\) Moreover, employers are prohibited from refusing women employment or lowering their wages on the basis of pregnancy, maternity, or breastfeeding.\(^\text{153}\) In some cases, doing so is punishable with criminal sanctions.\(^\text{154}\)

Various benefits and privileges are accorded to pregnant women and nursing mothers under Armenian law. For example, pregnant women may have their production quotas lowered or they may be transferred to easier jobs with no change in their wages. This is also true for women with children up to the age of 18 months old.\(^\text{155}\)

The Armenian Labor Code, Article 195 states, “The administration of enterprises, institutions and organizations, in coordination with trade union committees of enterprises, institutions, and organizations, when necessary, can provide pregnant women with free or privileged referrals to health resorts, as well as provide them with financial aid.”\(^\text{156}\) In addition, where there are large numbers of women employed at a particular facility, childcare facilities and breast-feeding accommodations are supposed to be available to mothers.\(^\text{157}\)

\(^{150}\) RA Marriage and Family Code, Article 5, part III.

\(^{151}\) RA Labor Code, Article 189, “Women shall be provided with pre-natal and post-natal leaves of fifty six calendar days each (in the event of difficult delivery or in the event of a birth of twins or more children, a leave of seventy calendar days shall be provided) and, in the event of work experience women shall be provided with a partially paid leave for nursing until the child reaches one year of age, also paying social insurance benefits during that period.”

\(^{152}\) RA Labor Code, Article 191, “Maternity leave is permitted until the child reaches three years of age, but without benefits.”

\(^{153}\) RA Labor Code, Article 197, “It shall be prohibited to refuse women in employment or to reduce their remuneration on the basis of pregnancy or feeding the child…”

\(^{154}\) RA Criminal Code, Article 139, “Rejecting to hire a woman in a governmental organization or a company on the basis of her pregnancy or being a nursing mother, or reducing her wages or dismissing her for the same reason shall be punished by corrective labor.”

\(^{155}\) RA Labor Code, Article 188, “Based on medical conclusions, production and service norms for pregnant women are reduced or they are transferred to other easier jobs that exclude the impact of unfavorable production factors, and their average monthly remuneration at the former workplace shall be preserved. If women with children under 1.5 years of age are not able to perform the previously performed work, they shall be transferred to another job and their average monthly remuneration at the former workplace shall be preserved during the whole period until the child reaches the age of 1.5 years.”

\(^{156}\) RA Labor Code, Article 196.

\(^{157}\) RA Labor Code, Article 196, “At enterprises and organizations where women’s labor is widely used, nurseries, kindergartens, breast-feeding rooms and individual hygiene rooms for women are created.”
Mothers with children under the age of 18 months are supposed to be provided with an extra break in order to feed their child.\textsuperscript{158}

**Social Benefits**

Armenian law states that all employees shall have the right to paid annual leave,\textsuperscript{159} and shall be subject to compulsory state social insurance.\textsuperscript{160} There are no provisions for social benefits for people (men or women) working in non-monetised sectors of the economy.

Workplace safety is guaranteed through a declarative statement in the Constitution which states that, “Every citizen is entitled to… working conditions which meet sanitary and safety requirements.”\textsuperscript{161}

**De facto Compliance**

As noted above, the Labor Code has not yet been revised to accommodate the \textit{de facto} reality of labor relations in a market economy. While some aspects of existing Armenian labor and employment law are fairly comprehensive in their protections for women, others, like the expansive maternity leave provisions, are inappropriate for a market economy and create a \textit{de facto} incentive to discriminate against women.

In addition, the protections that do exist are not enforced and there is no mechanism to ensure that the laws, as written, are implemented. Although no hard statistical data is available, experts believe that the phenomenon of discrimination against women in the workplace is widespread.

| 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: |
| (a) The right to work as an inalienable right of all human beings; |

There is no clear right to work in Armenia, and there are very few jobs available. Unemployment is very high and many families rely on financial supplements from family members living outside Armenia to survive.

The collapse of the Armenian economy has created a situation in which many employees are willing to tolerate discrimination, harassment, unsafe work conditions, unfair wages or other violations of labor law. Due to the lack of alternative employment options, workers accept bad – even intolerable – work situations. Employers are able to make demands that employees must accept or risk losing their job. As one business leader said, “[The relationship between employer and employee] is currently being regulated directly by

\textsuperscript{158} RA Labor Code, Article 194, part I, “In addition to the common break for rest and meals, the women with children under 1.5 years of age are granted an additional break to feed the child.”

\textsuperscript{159} RA Labor Code, Article 71, “Each employee shall have the right to a paid annual leave, keeping his/her workplace (position and average remuneration.)”

\textsuperscript{160} RA Labor Code, Article 260, “All employees are subject to compulsory state social insurance.” Also, see RA Constitution, Article 33, “Every citizen is entitled to social security during old age, disability, sickness, the loss of an income earner, unemployment, and other cases prescribed by law.”

\textsuperscript{161} RA Constitution, Article 29.
the labor market, through the mechanism of supply and demand. Unfortunately, this is to the detriment of the interests of the employee. Hence, the employer possesses a right to exploit the employees.”

Another business leader defined it this way: “The individual as a labor force is currently not being appropriately appreciated. Both in the private and the public sectors, human labor is not highly valued. Both the employer and the employee are well aware that if the latter would leave, his or her place will not stay empty. Twenty other people are in a queue, waiting for that vacancy.”

As has been noted elsewhere, the Armenian courts are not generally held in high regard among the general population as a place to enforce rights or to resolve disputes. This is particularly true as regards labor disputes. Employees are not encouraged to apply to court to protect their rights. In fact, the lack of whistle-blower protections or protection from retaliatory measures by employers (including transfer, demotion or termination) creates a serious disincentive for workers to report infractions of labor laws or to appeal to the court system to enforce their rights. Also, there is no administrative body to which a worker may appeal to protect or enforce their rights vis a vis their employer.

In addition, there is no enforcement mechanism to oversee implementation and to monitor enforcement of the labor laws which do exist. This creates a de facto environment in which employers act with impunity and in which labor laws are often not respected.

While general labor laws and provisions covering private contracts are meant to regulate private sector employment, there are special provisions contained in the Law on Public Service which are meant to protect public sector employees. However, the Law on Public Service has not yet been passed by the National Assembly.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

There is a split among experts as to whether women experience discrimination in the hiring process. However, there is consensus that women are often the first to be fired from their employment in an economic cutback. As one expert said, “In times of mass discharges, they try mainly to discharge women, justifying this by the argument that women have to take care of the children in the family, that they take more days off and that men are the bread winners of the family. That is why the number of unemployed women is bigger than the number of unemployed men.”

While many believe that the person with the best professional qualifications is hired for a job, some believe that men are hired more often because men are perceived as more

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162 Interview with Arthur Sarkisyan, April 2002.
163 Interview with Karine Sarkisyan, April 2002.
164 See discussion of CEDAW Article 15, below.
165 Interview with Rimma Ter-Minasyan, April 2002.
166 As one person said, “I do not think that in the case of high quality and competence of the candidate the gender would matter. If the candidate is a good specialist he or she will be employed.” (Interview with Nana Heruni, April 2002). Another person said, “Today the market conditions dictate that employers make decisions based
reliable and more fully “available” to work. As one person in the Ministry of Social Security explained, “If an employer has to make a choice between two equally competent candidates, a man and a woman, for a permanent, highly paid job, then most probably the employer would take into account that hiring a man would be more ‘expedient.’ I understand ‘expedient’ to mean that a woman, due to her physiological functions, is required to deliver babies, take care of infants, raise children and she can not pursue her professional career without interruptions, whereas men are more consistent and stable and do not interrupt their professional career due to some physiological needs.”

In addition, there is a sense that there is rampant discrimination among employers on the basis of age. Often, employment advertisements will specify age and appearance. As one 45-year old focus group member complained, “Every day, they announce on television or radio that they are looking for ‘nice looking girls between the ages of 20-25’ for a certain type of job. This is irritating, to say the least.” As one private employment specialist said, “If a woman is 35-40 years old, she has no prospects for getting a decent job, because even janitors are required to be no older than 40. Apartment cleaning, dishwashing and baby sitting are the only jobs this kind of woman can hope for.”

Finally, as women have monopolized certain professions and specialties, often they are not viewed as “appropriate” to work in other non-traditional spheres. Cultural stereotypes continue to play a strong role in defining appropriate professional roles. “Being an operator, secretary or assistant is a female job. Females under the age of 30 are mostly sought for these jobs. This is because employers are, as a rule, males, who would like to have young and attractive females as their co-workers. I once asked one of my clients, why don’t you see a young man in the role of a secretary? He thought for a while and then he answered, sure, why not. Then, after thinking for another minute, he changed his mind and said, oh no, if my secretary is a man, people around me might misunderstand.”

Professions are freely chosen in Armenia, however, as noted above, there are certain professions which are predominated by men or women. Some experts note that men sometimes feel discriminated against because women have fully saturated certain professional spheres. As one person said, “Women have practically fully occupied the spheres of services, education, and medicine, leaving only physical work for men.”

In the current economic climate, the choice of a profession is often dictated by concern for wages. Economic pressures have contributed to ensuring that women’s work

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167 Interview with Arthur Sarkisyan, April 2002.
168 One example is a recent advertisement for sales clerks in a shoe store that required “Young females with Pleasant Appearance.”
169 Focus group participant, (education), April 2002.
170 Interview with Nana Heruni, April 2002.
171 Interview with Nana Heruni, April 2002.
172 Interview with Gagik Bleyan, April 2002.
outside the home is socially accepted. As one rural focus group member said, “If before we used to strive to give education to our male children so that later they would be able to support their families and we thought that the only reason that girls went to study was to get out of the house and to have a chance at social interaction, today we think that both [girls and boys] need to have a profession and specialization to be able to earn a living and to be financially independent.”

Women and men both participate in vocational training, but as the head of the State Agency on Employment noted, women often participate more in self-improvement and retraining courses. He notes, “Women in the current situation appear to be more flexible and adaptable – quicker and much better in orienting themselves in situations requiring a change of specialization, profession and finding new jobs. At re-training courses and classes which give new accreditations to workers which are delivered under the auspices of the Center of Employment, the majority of participants (more than 90%) are women.”

While there is an equal pay provision in Armenian law, this is widely abrogated by employers. This is due to a variety of reasons.

Women often start off their employment in lower paid jobs. As one expert said, “The question is not that women are being compensated less for the same work, but rather that women are more willingly accepting low paid jobs. Women are more willingly becoming the low paid workforce, whereas men are more selective in this regard.”

In addition, as noted above, men are perceived as the core breadwinners of the family and therefore there is a cultural belief that men “deserve” to earn more money than women so that they can support their families. Women’s wages are considered to be “extra.”

Finally, whereas wages may formally be equal, the impact of corruption and “shadow wages” is significant. Often, official wages are “subsidized” by unofficial extra payments which are paid in addition to fixed salaries. Although no hard data is available, experts’ impression is that men receive these supplemental salaries far more widely than women. As one judge said, “The law guarantees equal payment for work of equal significance, however the reality is that there is also the “shadow” side of the problem. Employers are using informal methods of labor compensation and in these cases, women suffer more, as they always stay out of the “shadow” business.”

The system of social security in Armenia stipulates equal opportunities for men and women to access different types of subsidies and pensions. However, there is significant

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173 Focus Group Member, Rural Issues, Artashat, April 2002.
174 Interview with Gagik Bleyan, April 2002.
175 Interview with Arthur Sarkisyan, April 2002.
176 Interview with Gagik Harutyunian, April 2002.
concern about the size of pensions and subsidies for all citizens and their inability to provide a meaningful social safety net. The average monthly pension payment is currently $6-7 USD whereas the minimum consumer expenses are estimated to be $35-40 USD per month.

The mandatory retirement ages for men and women are different. Women retire at age 63, while men retire at age 65. Recent changes to the Law on Retirement Compensation have gradually raised the retirement age and phased changes will result in the retirement age being equalized for both men and women (at age 65) by 2004.

Although all workers are entitled to paid vacation (for each 11 months of work, employees receive the right to 24 days of paid vacation), private employers do not always permit their workers to enjoy paid vacations due to economic pressures on the company. Also, because no enforcement mechanism exists to monitor compliance with labor laws, some employers do not allow their workers to go on vacation.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

As a result of the scarcity of employment options, women (and men) are often willing to (knowingly) work in unsafe work places with intrinsically harmful working conditions. The general attitude tends to be, “Let me have a paid job - the rest is not as important as that!” Employees generally have no choice but to accept bad working situations. “They are put before the choice: take it or leave it. There are so many other people who would gladly occupy your workplace…”

Although a safe workplace is mandated under Article 29 of the Constitution, there is no governmental oversight mechanism to monitor health and safety concerns in the workplace. There is no system of inspections or central institution that sets and enforces safe labor standards. As one expert stated, “From whom should the employee demand “humane” working conditions? The employee is helpless and the employer is not interested. Nobody is demanding that the employer meet [and adhere to] these requirements, so why should he take on the additional expenses to create normal working conditions for his employees?"

Sexual harassment, while considered to be a key workplace safety and health issue under CEDAW, is vastly under-researched in Armenia. While there is a belief that the incidence of sexual harassment is high, there is no hard data on the subject. There is no explicit prohibition against sexual harassment in Armenian law, although there is a provision in the criminal code which penalizes coerced sexual intercourse with the “person on whom a woman relies materially.” Anecdotal data indicates that quid pro quo harassment is widespread, particularly for young women workers.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

177 Interview with Karine Sarkisyan, April 2002.
178 Interview with Sergei Arakelian, April 2002.
179 RA Criminal Code, Article 113.
(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

Although the law explicitly prohibits discrimination against women in employment on the basis of pregnancy or maternity, the de facto practice is widespread. The extended right to maternity leave (up to three years), the requirement to continue payment into pension funds, provision of partial wages and the need to preserve a woman’s job until she returns to work create substantial burdens on employers – they also create de facto incentives to discriminate against pregnant women or women of child-bearing age. As an official in the Ministry of Social Welfare stated, “The fact that employers have to pay all of a woman’s payments into the pension funds for around three years is absolutely not rational for the employer. This is why the employer either will not hire a pregnant woman or, if she is already working in his company, he will simply get rid of her [fire her].”

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The lack of any governmental enforcement mechanism to monitor compliance with labor laws and to enforce protections for pregnant women is clearly relevant to this situation.

“It is quite likely that a woman will be fired during her maternity leave…As far as I know, in the private sector, especially among small businesses, reimbursement of maternity leaves is a huge expense for employers. Employers themselves are hardly earning miserable revenues. They are paying out thousands of different types of taxes. If they work honestly, they would go bankrupt – there is no way out. In this situation, companies cannot – and will not - take care of someone on maternity leave. It is a luxurious expense for the employer’s pocket.”

181

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Maternity leave in Armenia is extremely generous – allowing for up to 70 days of prenatal leave and up to three years of partially paid maternity leave following the birth of a child. While loss of employment, seniority or social allowances during maternity leave or as a result thereof is prohibited under Armenian law, pregnant women are often fired so that companies may avoid bestowing such benefits.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

During the Soviet era, there were significant childcare facilities available in the workplace. Today, childcare facilities are mostly run by local authorities forced to operate under substantial budget constraints. This results in few available childcare facilities. Nursery schools and kindergartens that were formerly free currently cost between $5-15

180 Interview with Armine Tanashyan, April 2002.
181 Interview with Karine Sarkisyan, April 2002.
USD per month.\textsuperscript{182} This results in institutional child-care being largely unavailable to Armenian society as a whole.

The burden of childcare falls to the individual families and is largely addressed by older family members (i.e., grandparents), who assume the primary responsibility for caring for small children.

\begin{quote}
\textbf{(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.}
\end{quote}

As described above in the \textit{de jure} section, Armenian law provides for extensive protective legislation for pregnant women. Again, due to the harsh economic conditions in Armenia, these laws are either not enforced or are used as a pretext for not hiring women for employment.

\begin{quote}
\textit{3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.}
\end{quote}

There is currently no governmental body with responsibility for reviewing protective legislation.

\textsuperscript{182} There are additional expenses for childcare as well – including “informal” payments to babysitters, nurses and tutors, heat and meals for children.
Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Areas of Concern:

- Women’s health care services in Armenia are often unaffordable and inaccessible.
- Many women do not have control over their own health care decisions.
- While knowledge of the existence of contraceptive methods is high, use of effective techniques is low. Abortion remains the most prevalent form of birth control.
- There are virtually no mental health facilities available in rural areas; harsh negative social stigmas attach to the users of such services in both rural areas and urban centers.
- Domestic violence is a serious, widespread issue with few available remedies. No shelters exist for domestic violence victims.
- People are not well educated about the causes and possible methods of prevention of HIV/AIDS.

De jure Compliance

The laws and Constitution of the Republic of Armenia provide equal access to men and women in the field of health care. Article 34 of the Constitution provides, “Any person is entitled to the provision of health care. The procedure of provision of health care is established by law.” In addition, the Law on the Provision of Health Care Services, Article 4, provides, “Any person, regardless of one’s nationality, race, sex, language, religion, age and health condition, political or other views, social origin, property or other status, in the Republic of Armenia is entitled to the provision of health care services.”

A new draft law, “On Reproductive Health of Humans,” is pending in the National Assembly. Among its other provisions, it would provide for sexual education programs in schools and contraception counseling. The draft law also has provisions outlining adoption, surrogacy, in vitro fertilization and other reproductive options.

De facto Compliance

The CEDAW Committee explains that equal access to health care for women involves a variety of different factors, including quality of health care, health care of a woman’s choice, timely and affordable access, and informed choice and consent. These factors are important to a woman’s general well being as well as to her reproductive health. In addition, the prevention of gender-based violence must be explored when discussing women’s access to health care.

In Armenia, women’s *de facto* access to health care is limited. 184 While the law guarantees health care for all, in reality, health care options are often unaffordable, inaccessible, and poorly understood by both men and women. In addition, women often do not have control over their health care decisions.

**General Quality of Health Care**

The economic collapse of the past ten years has had a huge impact on the provision of health care services in Armenia. State investment in health care has plummeted from the level of $18.4 USD allocated per capita for health care in 1993, to only $7 USD in 2001. This is considerably lower than the figure of USD $12-20 envisaged for low and low to middle income countries in the World Development Report by the World Bank. 185

This reduction in health care investment has resulted in sharp cuts in services, failure to pay salaries of health care providers, and a drastic drop in the level of services provided. It has also resulted in the *de facto* need for patients to pay for services which were once (and sometimes still are) supposed to be free as part of the State-sponsored health care regime.

As costs have risen, many women choose not to use the available facilities, for example, opting instead for home births, no prenatal care or illegal abortions.

**Economic Access to Health Care**

Generally, access to health care is limited in Armenia, not on the basis of sex, but rather on the basis of financial ability to pay. As one person put it, “There is discrimination – but not between men and women. Discrimination in health care exists between poor women and wealthy women.” 186

As noted above, the current health care system provides some services for free. This includes pregnancy services, prenatal monitoring, emergency gynecological services, free health care for children under eight and other services. And yet, subsidies for the poor are rarely paid, and a well-known and informally structured system of "gifts," bribes and “contributions” to health care providers and hospitals make the actual costs of health care prohibitive for most people. “The bulk of health care expenditures fall on patients through both official and unofficial payments.” 187

As focus group participants attested, “most people do not go to the doctor because they cannot afford to go. As a result, they end up going when it is already too late.” 188 This is backed up by data from the 2000 Demographic and Health Survey which found that 40% of women who had had a medical problem in the preceding 12 month period had not visited

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184 Due to the virtual collapse of the health care system during the period of transition, men also have limited access to health care in Armenia.
185 *Impact of Transition*, p. 54.
187 *Impact of Transition*, p. 54.
188 Focus Group on Health Care Issues, 30 March 2002, Yerevan, Armenia.
a health care professional. Almost all of them cited lack of money as the primary barrier to accessing health care.\textsuperscript{189}

In a recent survey about corruption, 83.6\% of respondents believe that there is corruption in the health care services, which consequently is a serious obstacle to using health care services.\textsuperscript{190} A majority of people believes that “unofficial fees” are necessary to get medical treatment and that one of the main reasons for giving such unofficial fees is to ensure quality of care and to get better treatment.\textsuperscript{191}

\textit{Regional Access}

In addition, access to health care services in the rural areas, particularly in the villages, is limited. Under the Soviet system, remote villages had functioning health facilities; today, most of these are no longer operational. In some remote areas, such as Gegharkunik, there are geographic barriers which also impede access.\textsuperscript{192}

Today, hospitals and clinics are centralized and patients must travel to use them. As public transportation is limited and expensive, this often creates a barrier to use. In addition, there is a dearth of qualified specialists in the regional centers and therefore people often need (or prefer) to travel long distances to Yerevan for medical care. According to experts, there are no realistic assessment criteria or standards for the quality of health care services, especially in the regions.

\textit{Access to Health Care Decision-Making}

Another clear indicator for access to health care for women is whether a woman makes her own decisions regarding her health care (i.e., when to go to the doctor, whether to have a medical procedure, etc.). The 2000 Demographic and Health Survey provides important evidence of Armenian women’s lack of empowerment regarding their own health care choices.

Among unmarried women, nearly half of women (49.3\%) report that they do not make their own health care decisions: someone else makes all decisions about their health care.\textsuperscript{193} One-fourth of married women have no say in decisions about their own health care while only one-third of married women make decisions on their own about their health care. Over 20\% of married women report that their husband makes the decisions about their (the woman’s) health care.

Experts are split as to whether the health care of men or women is prioritized in Armenian families. This relates to issues discussed above in Article 5, relating to stereotypes

\textsuperscript{189} \textit{2000 Demographic and Health Survey}, p.197. In a similar survey conducted by the Armenian Democratic Forum in cooperation with the Government of the Republic of Armenia and the World Bank, it was found that only 38.8\% of respondents who needed to apply to a health care provider in the previous twelve months, in both rural and urban areas, actually visited one. They explained their inability to go to the doctor by the high official cost of health care (91.3\%) and the high unofficial cost of treatment (76.5\%). \textit{The Report of The Sociological Survey on Public Sector Reforms (for Households), 2001}; Armenian Democratic Forum with the Government of Armenia and the World Bank, p. 9.

\textsuperscript{190} \textit{Public Sector Reforms Report}; p. 15.

\textsuperscript{191} 65.5\% of people feel this way. \textit{Public Sector Reforms Report}; p. 15.

\textsuperscript{192} Access to health care in rural areas is discussed more fully in CEDAW Article 14, below.

\textsuperscript{193} \textit{2000 Demographic and Health Survey}, p. 40.
and perceptions of men as breadwinners and women as nurturers. As one expert noted, “In many families woman’s health is more important, as man is not able to take care of himself and his children on his own.” They say, “the husband should die earlier than his wife, as he is afraid of her absence. The man is ready to sell the last thing he has to save his wife’s life (health). This is one of our traditions.”

All respondents agreed that another impediment to access to health care is that there is no “culture of health” in Armenia. Attention is not paid to promoting healthy lifestyles and the government, the Ministry of Health and health care providers make little effort to help cultivate such an understanding. As one expert said, “Our society does not possess a health care “culture”: neither the State, nor the people.” In this case, no specific gender-based differences are seen.

This is reflected in basic statistics regarding women’s healthfulness. For example, there is a significant problem with obesity among women in Armenian society. Four in ten Armenian women weigh more than they should. 27% are overweight and 14% are obese. This is particularly true for women over 35 – more than half of them are overweight or obese, indicating that they do not have healthy lifestyles. Additionally, while breast cancer is the most common form of cancer among Armenian women, women have little information about breast self-examinations or other preventative/diagnostic measures. A survey found that 85% of Armenian women do not know how to conduct a breast self-examination.

**Contraception**

While knowledge of contraception is nearly universal in Armenia, use of effective contraception is limited and abortion is still the most widely used form of birth control.

Knowledge of contraception (including traditional and folk methods, as well as modern methods) is nearly universal. 94% of women have heard of at least one method. Knowledge is highest among currently married women (99%), however even 84% of women with no sexual experience know at least one method.

The most common method of contraception used in Armenia, by far, is withdrawal, with more than 20% of women using this method. In contrast, less than 1% of women (0.7%) currently use birth control pills. Roughly 4% use condoms, and 6% use intra-uterine devices (IUDs).

“Among less educated society strata there is prejudice and fear towards using contraceptives.” In addition, the methods of contraception used most widely in Armenian society tend to be the least effective. When asked about how knowledgeable they were about their contraceptive choices, only 36% of women using some form of contraception said that they had been informed about side effects and 32% had been informed about other methods.

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194 Interview with Gagik Bazikian, 30 March 2002.
195 *2000 Demographic and Health Survey*, p. 163.
196 *2000 Demographic and Health Survey*, p. 163.
197 *2000 Demographic and Health Survey*, p. 200.
198 *2000 Demographic and Health Survey*, p. 65.
199 *2000 Demographic and Health Survey*, p. 69.
200 Interview with Meri Khachikyan, 6 April 2002.
of contraception. “It is clear that both public and private health and family planning workers in Armenia need to provide women with more information about contraceptive methods in order to help women make informed choices.”

This lack of knowledge has not, however, led to a higher birth rate in Armenia. Instead, it has resulted in one of the highest abortion rates among the former Soviet republics.

**Abortion**

In reality, abortion is used as the primary form of birth control in Armenia, in spite of the high percentage of some form of contraceptive use among Armenian women. A study looking at the outcomes of three years of pregnancies found that more than half of pregnancies (55%) resulted in induced abortions. Two-thirds (64%) of all abortions were to women who were using some form of contraception when they became pregnant.

Among women who ever had an abortion, three-fourths have had more than one abortion. Forty-three percent of women reported two to three abortions, while 18% reported four to five abortions and 14% had six or more abortions. The NGO “For Family and Health,” calculated that, in 1998, each woman of reproductive age had approximately 2.7 abortions. In the year 2000, each had 2.6 abortions, and in 2001-2002, in a study of only Yerevan and the Ararat region, the figure was more than 3 abortions per woman.

Reasons for the widespread prevalence of abortion vary: use of unreliable or no birth control, inability to financially support a child, boy-preference, etc. Experts agree, however, that “the basic reason for abortions is the absence of information and educational activity [in Armenia] on reproductive health and contraception issues.”

Selective abortion and boy-preference (in which parents abort a female fetus because they want a boy child) still exists in Armenia, although it is against the law. It is not clear how widespread the practice is, particularly in light of the dearth of ultrasound machines in the country.

Due to the high cost of health care, the incidence of illegal abortions is increasing as people are seeking the least expensive means of terminating their pregnancies. Abortions are being performed in private homes and in unlicensed “clinics.”

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201 2000 Demographic and Health Survey, p. 78.
202 2000 Demographic and Health Survey, p. 78.
203 “Induced abortion remains the major form of birth control among Armenian women, contributing to high rates of maternal mortality and preventable morbidity. This reliance on abortion can be explained by the lack of access to information concerning modern methods of contraception and widely held misinformation among women regarding family planning and reproductive health.” A Pre-Post Panel Evaluation of the Green Path Campaign for Family Health, Armenia, 2000. American University of Armenia Center for Health Services Research, May 2001. p. 1.
204 2000 Demographic and Health Survey, p. 86.
205 2000 Demographic and Health Survey, intro. p. xxi.
206 2000 Demographic and Health Survey, p. 90.
207 Interview with Meri Khachikyan, 6 April 2002.
Family Planning

Since 1996, with the assistance of UNFPA, 77 family planning centers have been created in health centers throughout Armenia. However, family planning is a somewhat sensitive issue in Armenia. With a low birthrate and high emigration, there is a sense among some people and politicians that the State should promote high birth rates and increases in population rather than contraception and family planning.209

Public education campaigns promoting family planning have been shown to be very effective. In a study which assessed the results of the Green Path campaign, which “promoted greater awareness, knowledge acceptance, and adoption of modern contraception through increased utilization of counseling and related services provided at the then-underutilized Family Planning Cabinets [referred to above]”,210 visits to local family planning cabinets increased by more than 4% as a result of the campaign.

Irregardless of the recent experience, the Ministry of Education, Ministry of Health and various NGOs are implementing programs designed to increase the broad population’s awareness about family planning, reproductive rights and women’s health.

And yet, figures show that family planning is still not discussed within the family. More than half of all currently married women have never discussed family planning with their husband. Women in their twenties are more likely to have discussed family planning than women in other age groups.211 Among currently married women, 86% say that they approve of contraception. They also say that 69% of their husbands approve of contraception.

Domestic Violence

“A woman is wool; the more you beat her the softer she’ll be.” – Rural Armenian Proverb 212

The issue of domestic violence has climbed onto the agenda in Armenia, in large part due to the engagement of international donors on this issue. There is no specific law against domestic violence.213

The causes of domestic violence are many and varied, however in Armenia, the pressures of daily life are widely regarded as an instigating factor. The Women’s Rights Center surveyed 1200 women on their opinions about the incidence and origins of violence in the home, and nearly half (48.9%) reported that most conflicts in the home arise because of the “hardships presented by the current difficult social and economic situation.” 214

209 As a result, recent campaigns to promote contraception and birth control (referred to below) were construed negatively among some parts of the Armenian population.
211 DEMO 84.
213 Laws against assault, battery and other criminal acts are used in lieu of specific domestic violence legislation to prosecute abusers.
214 Other answers given were that “rows are typical of the most of the Armenian families” (13.5%); “rows are the consequence of low cultural level” (11.4%); “rows are the consequence of an unsuccessful marriage” (10.9%); “rows are the consequence of the spouses’ egoism” (7.5%); and “rows are the consequence of regarding women as inferior creatures” (6.9%). Violence Against Women in Armenia, Women’s Rights Center, Yerevan, 2001, p. 52.
While the incidence of domestic violence in Armenian society is believed to be widespread, few cases are reported to the police – and far fewer are brought to trial. Women are sometimes deterred from reporting domestic violence by the police investigators to whom they seek to complain. They fear reprisals from abusive husbands or other family members, and fear that the police will not take meaningful action and that they will be forced to reconcile with their violent spouse. In addition, women face social pressure to keep “family matters” private and therefore not report such matters to the police.

The impact of corruption cannot be understated in this context as well. In the rare instance where a case of domestic violence is brought to court, there have been numerous cases where the husband or his family will bribe the judge, prosecutor, and/or police, to get the case dismissed. There are no shelters in Armenia for victims of domestic violence. This leaves abused women with few choices.

In addition to the social and institutional pressures against reporting and prosecuting domestic violence claims in Armenia, attitudes toward domestic violence show that large numbers of both women and men think that there are certain situations in which a man is justified in beating his wife. Nearly one third of women (32.3%) and 42% of men believe that there are some circumstances under which a man is justified in beating his wife. Nearly half of rural women (49%) and more than half of men in rural areas (52%) agree with at least one reason justifying a wife’s beating (compared with only 22% of urban women and 35% of urban men).

In light of these attitudes, it is interesting to note that public attitudes are split on the prevalence of violence in the home. A survey recently conducted by the International Foundation for Election Systems (IFES), found that 46% of women and 38% of men think that violence against women in the home is a very common or somewhat common problem. 47% of women and 56% of men think that there is very little violence against women in the home or that the problem is “not very common.”

In the opinion of Susanna Vardanyan, Executive Director of the Women’s Rights Center, which specializes in combating domestic violence, the domestic violence situation is complicated. On the one hand, most women try to hide the fact of violence because they are ashamed of public opinion or afraid of consequences; they also might try to mitigate the circumstances in court in an attempt to “preserve the family.” On the other hand, in investigating domestic violence cases, law enforcement bodies have indifferent attitudes towards the victims of domestic violence and they consciously try to refrain from interfering in family affairs.

There are a number of non-governmental organizations in Armenia currently working on issues of domestic violence. Recently, a grants competition was held through

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215 Respondents in the Demographic and Health Survey were asked whether a man was justified in hitting or beating his wife for specific reasons. These reasons were: burns the food, argues with him, goes out without telling him, neglects the children, refuses to have sex with him.

216 2000 Demographic and Health Survey, p. 45.

217 The remaining respondents either “do not know” or did not answer the question. IFES Survey, pp. 22-36.

218 Interview with Susannah Vardanyan, 2 April 2002.
World Learning, Inc., which helped to create a cadre of seven NGOs working on issues of domestic violence.

**Mental Health**

While CEDAW does not specifically deal with mental health issues, it is important to note that access to appropriate mental health services, particularly in a country undergoing the kinds of stressful transition that Armenia is enduring, is a vital part of women’s access to health care. However, the Armenian government has not placed emphasis on treating mental health issues.

This may be, in part, because psychological care and mental health issues are still highly stigmatized in Armenian culture. “Unfortunately, our population does not realize that mental problems exist, because we consider someone in therapy as ‘ill.’”\(^\text{219}\) The tendency to “keep matters within the family,” also reinforces the idea that problems are best kept private and not shared with anyone, including health care professionals.

The stigma against mental health care attaches even more strongly in the villages, and yet, as one expert said, “nowadays the rural population, irrespective of sex, is more in need of psychological help than the urban population.”\(^\text{220}\)

Some NGOs have begun to provide mental health services on an ad hoc basis, but their work is limited.

**HIV/AIDS**

The incidence of HIV/AIDS is relatively small in Armenia. 196 cases of persons ill with AIDS have been registered through the central health agency since 1988. It is suspected, however, that the number of HIV-infected individuals residing in Armenia is much larger.\(^\text{221}\) The majority of infected people are men, who contracted the virus while temporarily living and working abroad. In 2001, three infected pregnant women were registered, and one child was born with AIDS. Women tend to be increasingly vulnerable as they are not aware that they may be infected with HIV/AIDS.\(^\text{222}\)

Although the incidence of AIDS in Armenia is very low, awareness of the disease is quite high. 94% of women and 97% of men have heard of AIDS. But as is the case with contraception, awareness is not the same as educated understanding. Only 62% of women and 73% of men believe that there is a way to avoid HIV/AIDS.\(^\text{223}\) Programs are beginning to be developed by the NGO community, in partnership with the State, to educate the public about sexual health and sexually transmitted diseases.\(^\text{224}\) In addition, the State has created a national program to prevent HIV-infections. The program includes diagnostic medical examinations, appropriate treatment, and provision of anti-viral medicine.

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\(^\text{219}\) Interview with Karine Saribekyan, 3 April 2002.
\(^\text{220}\) Interview with Gagik Bazikyan, 27 March 2002.
\(^\text{221}\) 2000 *Demographic and Health Survey*, p. 165.
\(^\text{222}\) Interview with Meri Khachikyan, 6 April 2002.
\(^\text{223}\) 2000 *Demographic and Health Survey*, p. 167.
\(^\text{224}\) Interview with Meri Khachikyan, 6 April 2002. The NGO, “For Family and Health” is currently working on such a program with the State Center for Obstetrics and Gynecology.
attention is paid to diagnosing and preventing HIV transfer from mothers to children.”225 It is not clear how effective this program has been or how widespread it is.

Women in the Health Care Professions

Finally, there are a large number of female health care practitioners in Armenia, although, as is the case in many professions, women are sorely under-represented in leadership and decision-making positions. As the director of a major medical center explains, “In the health care system the overwhelming majority of specialists are women. But surgeons and directors of the hospitals are mainly men, as, first of all, women are very busy with their household responsibilities and are not able to spend 24 hours [a day] on patients. Secondly, there is discrimination against women doctors and nurses as their families are opposed to their 24-hour work schedules.”226 In addition to workplace discrimination and family pressures, female patients often prefer to go to male doctors, because they consider them more “qualified.”227

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Women in Armenia tend to give birth at a young age. 15% of childbearing occurs by women aged 15-19. An additional 70% of childbearing in Armenia takes place when women are in their twenties.228

Women’s preventative check-ups are the primary form of reproductive health care available, however many women do not seek out these check-ups because they cannot pay for them.

As one expert said, “Discrimination against women starts already from child birth, as adequate post-natal care is not provided and that brings about post-natal after-effects. Child’s and mother’s post-natal care is provided only by relatives.”229 There is a proposal pending at the National Assembly to have post-natal medical care officially be partially paid, but the law has not yet been adopted.

225 Interview with Karine Saribekyan, 3 April 2002.
226 Interview with Gagik Bazikyan, 27 March 2002.
228 2000 Demographic and Health Survey, p. 54
229 Interview with Susanna Aslanyan, 20 March 2002.
Article 13

1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
(a) The right to family benefits;
(b) The right to bank loans, mortgages and other forms of financial credit;
(c) The right to participate in recreational activities, sports and all aspects of cultural life.

De jure Compliance

Armenian law states that all are equal under the law.\(^{230}\) It also specifies that all civil legislation is based on principles of equality, autonomy of will, freedom of contract and freedom from arbitrary interference in private affairs.\(^{231}\)

There is no legal differentiation between men and women in regards to economic rights and the ability to conduct business. Laws which regulate credit refer to the “borrower” and do not specify gender.\(^{232}\)

The Armenian Constitution also ensures the rights of rest, recreation and sport to all.\(^{233}\) In addition, it ensures the right to all aspects of cultural life, scientific development and intellectual thought.\(^{234}\)

De facto Compliance

Generally, women do not encounter overt discrimination in the awarding of social benefits, financial credit and cultural life.

\(^{230}\) RA Constitution, Article 16, “All are equal before the law and shall be given equal protection of the law without discrimination.”

\(^{231}\) RA Civil Code, Article 3 (section 1), “Civil legislation is based on the principles of equality, autonomy of will, and property independence of the participants in the relations regulated by it; the inviolability of ownership, freedom of contract, impenetrability of arbitrary interference by anyone in private affairs, the necessity of the unhindered exercise of civil law rights, the guarantee of restoration of violated rights and their judicial protection.”

\(^{232}\) RA Civil Code, Article 887, (section 1), “Under the loan agreement, the bank or other loan organization (the creditor) commits to provide financial resources (loan) in the amount and under conditions specified in the agreement, and the borrower commits to repay the received amount and the interest.” See also, RA Law “On Banks and Banking and on RA Central Bank.” (1996) which regulates the right to loans, borrowing secured with real estate and other forms of financial credit.

\(^{233}\) RA Constitution, Art. 30, (section 1), “Everyone is entitled to recreation”; RA Constitution Art. 34, “Everyone is entitled to health protection. The State implements health care protection programs for the population and promotes the development of sports and physical training.”

\(^{234}\) RA Constitution Art. 36, “Everyone has the freedom for literary, artistic, scientific and technical creativity, and is entitled to benefit from scientific achievements and to participate in the cultural life of society.”
(a) The right to family benefits;

Armenia has set up a program of family allowances which provides support for families in need. This includes support and family benefits for single mothers. The program replaces the “Paros” program which had previously provided such benefits.

It does not appear that there is de facto discrimination against women in the implementation of the program. In fact, taking into account the provision of services to single mothers, some experts believe that women tend to get more social benefits through these programs than men.235

As one expert states, “The whole country made a transition to the system of family allowances... now everything is united in one system, for the family, and it becomes more realistic, to orient the system in favor of children, i.e., in favor of families with many children which is a more correct approach. Of course, these allowances are called poverty allowances but one day we will get rid of poverty.”236

Under this social benefits scheme, disabled men and women also receive benefits. The State has not, to date, made provisions for people with HIV/AIDS (neither men nor women) to provide social benefits.

(b) The right to bank loans, mortgages and other forms of financial credit;

Armenian women are afforded equal rights to obtain bank loans, mortgages and other forms of financial credit. There is no requirement for male co-signers or additional guarantors for women than for men.

At the same time, women who apply for loans may be subject to additional informal questioning by lenders and bank officials, who seek personal information about female entrepreneurs. It is not clear, however, whether this influences the ultimate success of an application or if it is indicative of a particular personal curiosity about female business owners.

While women are generally not well represented at high levels in business and in management of large companies, they make up a large part of the work force. Also, they are very well represented in small business, as owners of kiosks, food services and other businesses. While women own and run these small businesses, they sometimes may prefer to have a man be the “external face” of the enterprise, due to cultural stereotypes and perceptions.237

A variety of international organizations currently have programs to assist the development of micro-enterprise and women’s business development in Armenia.238

235 Reliable statistics, however, are unavailable.
236 Interview with Armine Tanashyan, 28 March 2002.
237 See discussion in CEDAW Articles 5 and 14, below.
238 These include Save the Children, OXFAM, Catholic Relief Services and others.
(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Women have the right to enjoy recreational activities, sports and all aspects of cultural life in Armenia. There are no restrictions on a woman’s right to engage in social activities. The only restrictions may derive from a self- or family-imposed sense of types of social events that are or are not “appropriate” for women. For example, some women will only go to certain social events with a male companion. This is not mandated by law, but instead by social custom.
Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
   (a) To participate in the elaboration and implementation of development planning at all levels;
   (b) To have access to adequate health care facilities, including information, counseling and services in family planning;
   (c) To benefit directly from social security programmes;
   (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
   (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
   (f) To participate in all community activities;
   (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
   (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Areas of Concern:

- Rigid gender stereotypes dictate social behavior and generally limit women’s opportunities to participate in various aspects of rural life, including planning and development efforts, civic participation, education, and other community activities.
- Health care facilities are inadequate in rural areas and the high cost of services and remoteness of their location make them inaccessible and/or undesirable for most women.
- Lack of basic standards of living (with regards to water, electricity, communication and transportation) particularly impacts women as it increases their already overburdened workload.
- Non-monetised labor is not valued to ensure an equitable provision of social benefits, including pension funds and health care coverage.

De jure Compliance

In spite of the fact that the needs are quite different between urban and rural areas, the laws which govern civic participation, health care, social security, education, employment, economic development, agricultural loans and basic services, do not have

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239 See discussion of CEDAW Article 7, above.
240 See discussion of CEDAW Article 12, above.
241 See discussion of CEDAW Article 13, above.
242 See discussion of CEDAW Article 10, above.
243 See discussion of CEDAW Article 11, above.
244 See discussion of CEDAW Article 13, above.
special sections for application in rural areas. Generally, the laws entitle men and women, equally, to basic services and entitlements. However, the rural context demands extra consideration of special needs which are not included in the current legislation.

De facto Compliance

There is a vast difference between the reality of life for Armenian women in urban areas, and the experience of women in rural areas and villages.

Experts agree that the development and promotion of equality for female residents of small towns and villages is significantly restricted for three key reasons: 1) There are few, if any, state programs aimed specifically at the improvement of the situation of women in small towns and villages; 2) stereotypes and prejudices which discriminate against women are most pronounced in rural areas; and 3) women, themselves, are almost completely unaware of their rights and any available legal protections.

People in rural areas in Armenia are disconnected from much of what goes on in the rest of the country. Communication is limited, as phone lines are unreliable; also there are no local newspapers and limited access to radio and television broadcasts. Traditions and local customs are strong and change is slow to take hold.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

Armenian villages are typically characterized by patriarchal social systems and conservative social values. The traditional way of life is handed down from generation to generation, generally resisting a great deal of social innovation. Clan and kinship ties tend to be very strong in Armenian villages and lives are intricately intertwined. Many villages consist of two or three extended families living together.

Informal norms and relations generally govern the social structure of rural communities in Armenia. Public opinion, reprimand or positive encouragement are practically the only meaningful mechanisms of social control. The family, clan and neighborhood are the key social institutions.

Men and women live according to rigid stereotypes and expectations of what is appropriate behavior. Boys must be strict, hardworking and ready to provide for the family and care for his parents. Girls are expected to be submissive and obedient to men from an early age, and this manifests itself in every aspect of life. It should be noted that women, themselves, perpetuate these stereotypes and are key agents in inculcating these values and behaviors in children.

As one focus group participant from a rural area said, “[W]e have a son in the family. Even when he is returning from the kitchen he will never bring water for his sister. It does not matter how much she begs him. He would raise hell if she did not bring water down for him from the second floor. But I [as the mother] do not speak up for her when she is trying...
to resist, although I feel sorry for her. I just know that she must obey her brother now so that she will not contradict her husband tomorrow.”  

There is a pronounced polarization of labor in terms of male and female spheres of responsibility in rural areas. Women are responsible for household work, childcare and preparation of produce for sale. Men are responsible for hard physical labor and agriculture. As one woman said, “Of course, it would be fine if my husband and sons helped me in my housework sometimes, but the household work is still the woman’s business and the men shall not intervene in our work.”

Most rural women cannot imagine themselves in the role of the breadwinner for the family, since they believe that providing for the family is exclusively the man’s work. Even in cases where the family’s main income is provided by the woman, the man is still considered the head of the household.

One focus group participant told the story of her small business to illustrate the point. She said that she travels once a week to Sadakhlo, on the border between Georgia and Armenia, to buy goods to sell in her village. According to her, this is very hard work, since she has to carry a heavy bag, pass through customs and risk being cheated or robbed. She chooses the goods to buy and brings them back to the village where she gives them to her husband to sell at the market place. She stays home, doing housework, tending the kitchen, garden and animals. Since it is the husband who sells the goods and “earns” the money, he is considered the breadwinner, however, no one takes into account that she is the one who is actually responsible for the business and that she, in fact, supplies him with a job.

In some cases, women themselves try not to admit that their husbands help them in household work, believing that the neighbors might consider that woman a bad or uncaring housewife, and would regard her husband a weak man. Women confessed that they make fun of men who do housework. As one said, “It is not proper for the Armenian man to do women’s work, even if he is at home the whole day.”

Some women said that they would be glad if their husband shared the household duties with them, but that they feared public opinion. As one woman said, “Yes, I get very tired at work, and there is a lot of housework, besides, I shall work in the kitchen garden. It would be very nice if I found, back from work, that my husband had cooked dinner, tidied up the house and did the laundry. But I don’t want him to hang the laundry on the line to dry in case the neighbors would see.”

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245 Focus Group on Rural Issues, Artashat, 2 April 2002.
246 Focus Group on Rural Issues, Fontan, 3 April 2002.
247 Focus Group on Rural Issues, Artashat, 2 April 2002.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

The role of rural women in the elaboration and implementation of programs for community development is rather limited, since according to the traditions and stereotypes of village life, women are discouraged from participating in decision-making regarding the public life of the village. A husband may also prohibit his wife from participating in community decision-making. In addition, women themselves are unwilling to engage in the political and social life of the village.

As a result, few women aspire to (or achieve) decision-making positions in public life. Out of 11 participants in one focus group, only one participant expressed any kind of willingness to become a village mayor or to head an NGO.248 As one woman said, “It would not even occur to me that I could somehow participate in community work. It is not proper for a woman to occupy a high post and to solve village problems equally with men.”249

Women are generally politically passive in rural areas. A woman’s vote is often decided by her husband, and in one case, a woman said, “I know a case when the wife voted for a candidate that her husband didn’t like. A big fight ensued as a result.”

The same problems elaborated in the discussion of CEDAW Article 7, above, apply to rural women, although they are even more acute in the village context. The situation is aggravated by such factors as the remoteness of the village from the Yerevan political arena, the influence of clans, and the closed nature of the political elite. Even if rural women were to succeed in overcoming the socio-cultural barriers within the community, it would be extremely difficult for them to overcome the influence of the exclusive system of political elites which is characterized by the influence of clans and political deal-making among powerful patrons. In order to rise to the top, it is considered necessary to have strong and influential patrons, which women generally do not have.

Some efforts are being made to enhance the leadership capacity of women in rural areas and to encourage their political participation. For example, NGOs are starting to conduct programs to promote women’s leadership skills.250

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

There is a significant lack of resources and under-investment in health care for women in rural areas in Armenia. Health care services are supposed to be divided among local facilities in small villages, mobile services which cater to rural regions, and larger

248 Focus Group on Rural Issues, Fontan, 3 April 2002.
249 Focus Group on Rural Issues, Artashat, 2 April 2002.
250 These include a program by UNIFEM on the role of women in peacekeeping; Rural Women’s Leadership Development by the Democracy Union, in conjunction with Rutgers University; “Village Women in Civil Society” by the Women’s Scholars Council of the Center for Development of Civil Society; and programs by the Women’s Republican Council and Women with University Education.
services in regional/district centers. However, due to financial strains and the geographic isolation of some district centers and villages, such services are not, in reality, available. As one woman said, “We have no trust in local doctors and there is no money to go for an examination in Yerevan.”

As discussed previously in Article 12, access to health care in rural areas is also limited by the financial strains which formal - and informal - payments place on the patient. The need to travel to urban centers (or at least district centers) increases the cost and hassle of health care services and is also a deterrent to use. In addition, the access to and control of a woman’s health care is limited by her ability to make decisions about her own treatment.

Rural women tend to visit prenatal consultation centers less frequently than women from urban areas, and they are far more likely to deliver children at home. “Whereas health facility deliveries are almost universal in urban areas (99%), in rural areas, 16% of deliveries occur at home.” In some regions, the percentage of home births approaches 41%.

As regards contraception, the rural population has a prejudice against modern contraception methods and visiting family planning wards, and instead relies of traditional contraceptive methods which are much less effective. Focus group participants said that the main method of preventing unwanted pregnancies in the villages are through vaginal syringing and through calculating “dangerous” days in the ovarian cycle. Another study notes that nearly 40% of rural women say that they use withdrawal as the most common form of contraception. The number rises in certain regions. It is notable that fewer than half as many women in rural areas say that they use condoms, as compared to women in urban areas (4% - rural, 9% - urban).

The abortion rate for rural women is similar to that for urban women. Abortion is still used as the primary form of birth control in the regions, but due to lack of access to health care facilities, it is thought that the incidence of illegal abortions in rural areas (i.e., not carried out at a licensed health care facility), is growing.

It is thought, for several reasons, that the incidence of domestic violence in rural areas is greater than in rural areas but accurate figures are not available. First, there are no large-scale education efforts conducted in rural areas to advise women of their rights and responsibilities. Second, cultural stereotypes in which the man is supposed to be “macho” and even violent, are common in villages. Third, aggressive behavior and violence is considered an acceptable means to resolve a dispute in village culture. Nearly all of the women in two focus groups on rural issues had been victims of some form of physical violence by their husbands.

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251 Focus Group on Rural Issues, Fontan, 3 April 2002.
252 For a further discussion, see CEDAW Article 12, above.
253 2000 Demographic and Health Survey, p. 127.
254 This is true for the region of Gegharkunik in the eastern part of the country. 2000 Demographic and Health Survey, p. 128.
255 39.5% say these use withdrawal. It should be noted that only 26.4% of urban women use this method. 2000 Demographic and Health Survey, p. 71.
256 48% of women in the Vayats Dzor region said they use the withdrawal method. 2000 Demographic and Health Survey, p. 70.
257 2000 Demographic and Health Survey, p. 71.
(c) To benefit directly from social security programmes;

All types of allowances (such as family allowances, pensions, child care allowances, etc.) are theoretically accessible to rural women. However, the systematic delay in the disbursement of all types of social allowances is a serious problem that particularly affects rural women, whose standard of living is usually below the national average. This is especially true for women with many children, and single mothers.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

On the whole, there are no significant gender differences in the accessibility of education in villages. However, due to a variety of socio-economic and cultural factors discussed above in Article 12, parents at times face a choice of which child to send to school.

Where the schools are in a different town or village, the family usually decides to send the boy, since families are very reluctant to send girls away from home. This is particularly relevant during secondary school education when high schools are located in regional centers and for higher education, as the universities are mainly located in the large cities. In addition, girls themselves often do not want to continue their education, preferring to get married and stay in the village.258

Generally, the NGO sector reacts to the needs of rural women more actively than the State. Women’s NGOs hold training courses and workshops in leadership development, promoting the role of women in community development and enhancing legal literacy.

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

While the State does not provide services to facilitate the formation of such groups, there has recently been an increase in organizations extending micro-loans for small business development focusing on female entrepreneurs.259 For some programs, one of the conditions for extending the loans is that women organize a cooperative group (of at least five women) who would serve as guarantors for each other. Such programs are becoming more common in Armenian villages.

(f) To participate in all community activities;

In most villages, women are not active in the public life of the community. This is particularly true in matters that regard economic issues or infrastructure/development problems, since men are traditionally responsible for those spheres and make the significant decisions. The State undertakes no measures to encourage women to become more active.

258 Some focus group members felt that it is more important to pay attention to the education of a girl, so that in the event of divorce, she would be able to provide for herself and her children.
259 OXFAM and Save the Children are among the organizations running such programs.
In contrast, women do manifest a great deal of activity in the informal life of the community. They organize a variety of events, including holiday celebrations and festivities in the villages. They also often organize financial aid for the needy and other kinds of social welfare initiatives.

**(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.**

Access to basic services such as water and electricity is provided by law equally to men and women. The *de facto* impediment to access, however, is the financial situation of the family, and the general availability of the services to the community. Many Armenian villages have serious problems with their water supply – both drinking water and water for irrigation. The water supply is often disrupted and the fees are very high. In many villages, women are responsible for the arduous task of carrying water in buckets from nearby springs. This is hard work and not healthy.

Fees for electricity are also very high and many times inaccessible for villagers. Often, village economies are run by barter and therefore there is no cash to pay for such services. In the winter, homes are heated with furnaces that burn manure, wood, or diesel oil. The job of stoking the fire and ensuring that there is fuel for the fire is also the woman’s responsibility.

Transportation throughout the region and to the large cities (including the capital) is very expensive and often unavailable for average villagers. Many people cannot afford the trip to a nearby village, let alone the capital. This has a variety of implications for the quality of life of people in villages. Without transportation, people cannot go to the city to visit the doctor or to deal with urgent health care problems which require intervention. It also means that they are less able to communicate or visit with relatives and friends who live in other parts of the country, resulting in social isolation. The lack of affordable and available transportation is also sometimes an impediment to children continuing their education in towns outside of their village and a barrier to village residents participating in the cultural life of the country (e.g., concerts, theater, circus performances). Finally, expensive transportation often results in the cheap sale of agricultural crops to speculators instead of direct sales in town.
**Article 15**

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

**Areas of Concern:**

- While basic precepts of equality before the law are protected, the Armenian legal system is not regarded as a practical vehicle to protect or promote one's rights, to resolve disputes or to appeal for civil remedies. This is true for both women and men.

**De jure Compliance**

Article 16 of the RA Constitution and Article 8 of the RA Civil Procedure Code state that "All are equal before the law and shall be given equal protection of the law without discrimination."

Article 3 of the RA Civil Code gives basic principles governing the provision of the Civil Code which include a commitment to equality, autonomy of will and freedom of contract.\(^{260}\)

Article 25, part 1 of the RA Civil Code states that "The citizen's legal capacity and capability cannot be restricted other than in cases prescribed by law and procedure." In Article 305 it goes on to state that "A transaction that does not comply with the provisions of the law or other legal act is invalid."

Article 22, part 1 of the RA Constitution states that: "Any citizen is entitled to free movement and choice of place of residence in the territory of the Republic of Armenia." The Marriage and Family Code, Article 19, part 2, goes on to state that "Each spouse is free in the choice of the place of residence."

\(^{260}\) RA Civil Code, Article 3, part 1 states: "Civil legislation is based on the principles of equality, autonomy of will, and property independence of the participants in the relations regulated by it, the inviolability of ownership, freedom of contract, impermissibility of arbitrary interference by anyone in private affairs, the necessity of the unhindered exercise of civil law rights, the guarantee of restoration of violated rights and their judicial protection."
De facto Compliance

Generally, men and women have equal de facto equality and legal capacity before the law, however the legal system is not generally considered a credible or fair mechanism through which to resolve disputes or protect rights.

1. States Parties shall accord to women equality with men before the law.

Article 16 of the Constitution of the Republic of Armenia states, “All are equal before the law and shall be given equal protection of the law without discrimination.” Men and women are technically equal before the law in Armenia. However, as previously discussed, the Armenian legal system is not regarded as a practical vehicle to protect or promote one's rights, to resolve disputes or to appeal for civil remedies.

A recent survey conducted by the Armenian Sociological Association found that in cases in which people had a dispute with another citizen, nearly two-thirds of respondents (60.6%) would not rely on the law and the courts to settle the dispute fairly. In addition, 81% of respondents do not have confidence in judges.261

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

There are no known cases in Armenia where cases brought by women were dismissed on the basis of the plaintiff’s gender, or where a woman’s testimony was given less weight because of her sex.

There are no restrictions which limit women’s legal capacity and no extra requirements which women must fulfill in order to bring cases to court, sign contracts or handle complex business dealings. However, as discussed above, the legal system, as a whole, is not widely used or trusted in Armenia.262 This is true for both men and women.

The legal system is not normally used to resolve civil disputes. Most Armenians have little faith in the legal system and do not look to the courts to issue fair and impartial verdicts. “People avoid applying to the judiciary because of the necessity to give bribes, since without bribes, it is impossible to solve any questions through this body [sic]” In a survey in which questions were asked on corruption in the judiciary, 58.8% of respondents surveyed said that without bribes, it would be impossible to solve a case.263

When asked if decisions of Armenian courts are made fairly and in keeping with the laws, 66.6% of respondents strongly or somewhat disagree that they are. Only 1.8% of respondents strongly agree that the courts make fair decisions according to the law.264

263 Public Sector Reforms Report, p.37.
In a similar survey of public opinion, a majority disagrees with the statement: ‘I trust the Justice system to protect me from unjust treatment of the state.’ Of those who disagreed with the statement, 50% ‘strongly’ disagreed and 18% ‘somewhat’ disagreed.265

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

There appear to be no situations in which the legal capacity of a woman is in any way restricted.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

While men and women freely choose their domicile and have equal rights regarding freedom of movement, the economic situation, custom and social pressure convene to limit the de facto choices of women regarding their place of residence. In most cases, women live with their parents until they are married, and then with their husband’s family during their married life. Single women rarely live by themselves and there is strong social pressure not to do so.

265 IFES Study, p. 22-36.
Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
(a) The same right to enter into marriage;
(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;
(c) The same rights and responsibilities during marriage and at its dissolution;
(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,
(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;
(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of Concern:

- Because prenuptial agreements are illegal and because couples do not appeal to the court system as a neutral arbitrator at the dissolution of a marriage, women often have less bargaining power in property negotiations.
- Traditional gender stereotypes sometimes limit the rights that women have in marriage, even when they are technically protected by law.
- There is no effective mechanism to compel payment of alimony or child support.
- Many Armenian men and women do not understand their shared rights and responsibilities in marriage and in child rearing.
- Marriage with or between minors sometimes takes place, particularly in rural areas.

De jure Compliance

Article 32 of the Constitution states, “When getting married, during marriage and divorce, men and women enjoy equal rights.”

Men and women in Armenia are afforded the same legal rights to enter freely into marriage and to freely choose a spouse. This right is protected under Article 14 of the Marriage and Family Code.\(^{266}\) In addition, anyone who forces a woman to marry against her will.

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\(^{266}\) Article 14 of the RA Marriage and Family Code reads, “Mutual consent of the marrying persons is necessary for marriage and their attainment of nuptial age.”
will or forces her to stay married (or abducts her for the purpose of marriage), can be sentenced to prison for up to two years.267

Article 4 of the Marriage and Family Code states that “All citizens have equal rights in family relations. When getting married and in family relations, direct or indirect restriction of rights is not allowed...”268 Article 62 states that “The father and the mother have equal rights and duties with respect to their children. The parents also have equal rights and duties after divorce.”269

De facto Compliance

While men and women have equal rights in marriage and divorce, the balance of power within a couple is largely framed by stereotypical conceptions of gender roles and economic imperatives.

(a) The same right to enter into marriage;

In reality, men and women do not have the same right to enter into marriage in Armenia, as the legal age for marriage for men is 18, and the legal age for women is 17. This is problematic for a number of reasons.

If a woman marries when she is 17 (or younger), she is still considered a minor and therefore has no rights to property or other legal standing. This can result in considerable difficulties for her in the event that the marriage is dissolved and her rights are not protected. In addition, because she is still considered a minor until she reaches age 18, a girl who marries at 17 breaks the provisions against child marriage, found in the International Convention on the Rights of the Child, to which Armenia is a signatory (as well as CEDAW Article 16.2).

The difference in the legal age for marriage reinforces a cultural norm which emphasizes the importance of women marrying young. There is strong family and community pressure on women to marry in their early twenties. In rural areas, it is common for girls to marry when they are even younger (15 or 16 years old.)270 The phenomenon of men migrating for employment sometimes adds additional pressure on women to marry, as it is thought that they may not have many available “options.” Anecdotal data in Yerevan indicate that attitudes among young women are beginning to change, as some women are defying convention and are waiting to marry; however, hard data on this trend is not yet available. While public opinion is softening in some areas (particularly Yerevan and other urban centers), single women are still generally viewed suspiciously in Armenian society and families often exert substantial pressure on girls to marry.271

267 RA Criminal Code, Article 118. Interestingly, while imposing a penal sanction on the offender, this code provision says nothing about invalidating coerced or forced marriages.
268 RA Marriage and Family Code, Article 4.
269 RA Marriage and Family Code, Article 62. See also, RA Marriage and Family Code, Articles 19, 63, 65, and RA Law on Children’s Rights, Article 14.
270 Interview with Karen Zadoyan, 29 March 2002. In these cases, either the parents consent to the marriage of their minor-daughter or the marriage is not registered until the girl reaches the age of 17.
271 There is general agreement that although there is substantial pressure to marry, forced or arranged marriages rarely take place, even in rural villages.
As one family law expert put it, “This is why women do not have the chance to make the right choice. They accept the first proposal they get. [By marrying, a woman’s] status changes to that of a “married woman” in the eyes of society [which is a good thing] – even if her status within her own family may become more limited.”

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

In spite of the substantial social pressure to marry, there are few known incidences of arranged or forced marriages reported in Armenia. In addition, there are no known statistics on the incidence of abductions for the purpose of marriage, however there is anecdotal data that indicates that this does occur in both rural and urban areas. Where these things happen, few, if any such incidences are reported to courts, and they are rarely discussed in the community.

(c) The same rights and responsibilities during marriage and at its dissolution;

While men and women are supposed to have equal rights and responsibilities during marriage, Armenian couples tend to adhere to traditional gender roles and spheres of responsibility which do not give men and women equal rights and responsibilities.

In the event of divorce, men (and their families) tend to have a greater say in the distribution of marital property (as most couples live with the husband's family), and women tend to have greater influence in custody matters (as there is a general cultural presumption that children should live with the mother). This is in spite of the fact that men and women technically have equal rights at the dissolution of a marriage.

As discussed in Article 15 most people try to avoid resolving civil disputes in the court system. As a result, families often try to resolve disputes informally. This includes settlements in divorce proceedings (although such settlements are often approved by the courts).

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272 Interview with Zara Postanjyan, 1 April 2002.
273 Interview with Karen Zadoyan, 29 March 2002; Interview with Armine Tanashyan, 28 March 2002.
While the law technically certifies that parents have equal rights *and duties* with respect to their children, the State does not undertake to ensure that those responsibilities are shared equally. Nor has the State, in accordance with its obligations under CEDAW, engaged in any kind of public campaign to ensure that both men and women understand their shared (and equal) responsibilities in parenting.

As a result of the Armenian cultural attachment to stereotypical gender roles, many in Armenian society believe that women have more rights in matters relating to children than men do. This is because women usually spend more time caring for children than men, who are supposed to be working to support the family. Additionally, women often discourage men from participating in child rearing, believing that it is exclusively a woman’s job.

It should also be noted that as a result of the trend of men leaving their families to go abroad for work, more children are being raised by their mothers and grandmothers. As most couples live with their extended family (usually the husband’s family), the grandparents tend to play a large role in child rearing. This is especially true if a woman has a job. The grandmother, who is often unemployed, will stay home to tend the children while the woman works.

In the event of divorce, judges usually award custody of children to the mother. The father is usually responsible for paying alimony and child support and is supposed to participate in raising the child. However, due to the harsh economic reality in Armenia, most husbands fail to pay alimony and this often leaves women in a very difficult financial situation.

There is no effective mechanism to compel payment of alimony or child support. When a man changes jobs, the State does not track his child support payments. Where a dispute cannot be resolved informally, women must go to court and spend more time and money trying to compel payment which usually does not come.

Women are often unaware of their rights in the event of divorce. One of the most common misconceptions is that divorce must be by mutual consent (the law provides for unilateral filing for divorce). As one expert stated, “The first thing we must do is to provide legal knowledge to people and to increase their legal awareness, because men and women have very poor knowledge of their rights and responsibilities and they are unaware of mechanisms and methods of protection of their rights. For instance, in many cases, women

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274 In reality, many men are unemployed and so are also at home, although they often do not participate in primary childcare responsibilities.
275 Since 1998, men have been allowed to take family leave upon the birth of a child, however few men in Armenian society take advantage of this benefit.
276 Alimony is typically 5000 Dram per child per month (approximately $9 USD).
277 Interview with Karen Zadoyan, 29 March 2002.
want to divorce but do not know how or are afraid to do it, thinking that consent of their husbands is required.”

**e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,**

While men and women have the same rights to freely decide on the number and spacing of children, their lack of access to reliable information about family planning limits their ability to exercise these rights.

Given the low birth rate in Armenia, the concept of family planning is controversial to some. While family planning centers have opened around the country and national awareness campaigns have been used to promote effective contraception, the idea of limiting childbirth or preventing pregnancy is perceived by some as anti-nationalistic.

Although forcing a woman to have an abortion is against the law in Armenia, men, particularly in rural areas or in less educated families, often have disproportionate influence over the decision of whether to have an abortion.

Despite the State’s limited efforts, the large number of abortions and the ineffective use of birth control demonstrate that family planning information is not being adequately disseminated to the public and that men and women are not well informed.

**f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**

As noted above, guardianship or custody for minor children usually sits with the mother. Where a child is up for adoption, most children are adopted by childless couples or by single women. Although they are allowed to adopt, single men rarely do.

**g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;**

Women may, under Armenian law, keep their maiden name after marriage and many do.

Women’s employment and professional development often raise serious problems within Armenian households and are a major source of conflict between couples. According to deeply held gender stereotypes in Armenian society, women are supposed to spend most of their time taking care of the family and children. Men are supposed to be the breadwinners. Even in the current difficult economic environment, women are sometimes dissuaded from working and, instead, are encouraged to stay home and take care of

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278 Interview with Karen Zadoyan, 1 April 2002.
279 The birthrate is below replacement levels. *2000 Demographic and Health Survey*, p. 59.
280 RA Criminal Code, Article 121, “Forcing a woman to have an abortion shall be punished by imprisonment of maximum one year or by public reprimand, in case the abortion has been done.”
281 Interview with Zara Postanjyan, 1 April 2002.
children. There are indications that this is changing, as some women are becoming the sole income-generators in their family. This may have sweeping implications for family structure and gender roles in Armenia in the future.

\[(h) \text{ The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.}\]

Prenuptial agreements are not allowed in Armenia and therefore marital property is divided by the couple at the time of divorce. The law also protects the rights of both spouses and the equitable ownership and division of marital property.\(^{282}\)

\[2. \text{ The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.}\]

While marriage with minors is forbidden under Armenian law,\(^{283}\) marriage between minors sometimes takes place, most often in rural areas. It is not known how widespread the phenomenon is, because minors will often not register their marriage until a child is born.

In addition, as noted above, the legal age for marriage is 18 for males, and 17 for females. As the age of majority is 18 in Armenian law, this creates a situation where females are allowed to marry when they are still legally children. Finally, Armenian law allows couples to marry at an even earlier age, with the permission of the parents.

\(^{282}\) See RA Marriage and Family Code, Article 3, "In accordance with the constitutionally stipulated equal rights of men and women, they have equal personal and property rights in family relations." See also, discussion in CEDAW Article 15, above, concerning women's rights to property ownership.

\(^{283}\) See RA Marriage and Family Code, Article 14, "Mutual consent of the marrying persons is necessary for marriage and their attainment of nuptial age." See also, the UN Convention on the Rights of the Child.
APPENDIX 1

Supplemental Sources

1. Citizen’s Awareness and Participation in Armenia Survey, Thomas P. Carson, (IFES, Yerevan 2001)


11. Legal Protection of Women from Domestic Violence, Prof. Samvel Arakelyian, Yerevan State University Faculty of Law, Yerevan, Armenia, 2002.


APPENDIX 2

LIST OF RESPONDENTS

1. Knarik Abelyan, Principal of School #172, Junior Achievement NGO
2. Sergey Arakelyan, Member of Parliament
3. Susanna Aslanyan, Maternity Fund NGO
4. Marat Atovmyan, General Prosecutor's Office
5. Anahit Bakhshyan, Director of School #27
6. Gagik Bazikyan, Director of The Oncology Center
7. Gagik Bleyan, Head of the Employment Center
8. Judge Yelizaveta Danielyan, Judge/Davidashen-Ajapnyak Community
9. Karine Danielyan, President of the NGO "In the Name of Development," ex-Ecology Minister
10. Astghik Gevorgyan, Head of the Journalists' Union
11. Gegham Gharakhanyan, Law Professor, Yerevan State University
12. Nora Hakobyan, Women's Republican Council NGO
13. Justice Gagik Harutunyan, President of the Constitutional Court
14. Nana Heruni, Director of Private Employment Agency
15. Meri Khachikyan, For Family and Health NGO
16. Silva Khrimyan, Head of the Educational Programs Centre
17. Emma Khudabashyan, Member of Parliament
18. Norair Khykhasyan, Head of the Department of Secondary Education
19. Karine Kirakosyan, Prime Minister's Office
20. Shavarsh Kocharyan, Member of Parliament
21. Viktor Martirosyan, Head of the "Educational Reforms" Department, Ministry of Education
22. Jora Manukyan, Head of the Medical Standards Development Department at the Institute of Advanced Medical Studies
23. Yuri Manukyan, Member of Parliament
24. Hripsime Mokatsyan, Chief of the Maternity Hospital
25. Judge Arman Mkrtumyan, Head of the Chamber on Civil and Economical Issues, Court of Cassation
26. Zara Postanjyan, Lawyers Association
27. Karine Sarsoyan, Representative of Coca Cola in Armenia
28. Artur Sargsyan, Head of the Employment Department
29. Karine Saribekyan, Head of the Mother and Child Department of the Ministry of Health
30. Gulnara Shahinian, "Democracy Union" NGO
31. Aram Simonyan, Head of the Private Employment Center
32. Rima Ter-Minasyan, Women's Republican Council NGO, lawyer
33. Armine Tanashyan, Ministry of Social Security, Department of Family Issues
34. Aida Topuzyan, Deputy Minister of Education
35. Susanna Vardanyan, Women's Right Center NGO
36. Karen Zadoyan, President of the Young Lawyers' Association
APPENDIX 3

COMPLETE LIST OF AREAS OF CONCERN

• There is a general lack of understanding of the concept of "discrimination" as defined by CEDAW and its application in Armenian society. (Article 1)

• “Custom” and “tradition” are often used to justify behavior, which constitutes *de facto* discrimination. (Article 1)

• While Armenian national legislation affirms the idea of "equality" of rights for everyone, it does not proactively promote equality of rights between men and women. (Article 2)

• Virtually no legislation exists explicitly prohibiting discrimination on the basis of gender. (Article 2)

• No national machinery exists to oversee implementation of Armenia's obligations to combat discrimination and ensure equality (Article 3)

• The current quota for female parliamentary candidates is unrealistic and has not resulted in an improvement in representation of women in politics. (Article 4)

• No temporary special measures exist to accelerate *de facto* equality between men and women in spheres where large numbers of women work, and few are given leadership positions (i.e., the education system). This is also true in fields where women are seriously underrepresented (i.e., political decision-makers). (Article 4)

• Where temporary special measures have been implemented in the past, they have not been accompanied by public awareness campaigns or other measures, which would change public attitudes so that long-term *de facto* equality is enhanced. (Article 4)

• Gender stereotypes are entrenched in Armenian society and negatively impact women’s efforts to achieve gender equality as contemplated by CEDAW. (Article 5)

• Rather than taking steps to modify the social and cultural patterns of men and women, the Armenian government has officially reinforced certain stereotypes and public attitudes in the opportunities it provides for women in government offices, the way it refers to women in State reports, and the minimal resources it commits to addressing the issues of women's human rights. (Article 5)

• Armenia has not yet ratified the UN Convention Against Transnational Organized Crime and its two protocols related to human trafficking. (Article 6)

• Armenia lacks shelters and/or services for the rehabilitation and reintegration of victims of human trafficking. (Article 6)
• The rapid growth of the commercial sex worker industry in Armenia provides opportunity for massive exploitation of economically vulnerable women. Services are not easily available for commercial sex workers to avoid exploitation. (Article 6)

• The State is not taking proactive steps to ensure real equality of opportunity for women to be elected to public office. (Article 7)

• There is little cultivation of women to take on leadership positions in politics and in government work (including decision-making and policy-making). (Article 7)

• Many NGOs do not have strong internal strategic capacity and this may hinder their effectiveness. Infighting among NGOs is a major deterrent to effectiveness. (Article 7)

• The international donor community, which provides a majority of funding for Armenian NGOs, works with a core of well-known NGOs and does not reach out to cultivate and strengthen other organizations. (Article 7)

• International donor priorities are often inconsistent or change after short periods, preventing NGOs from creating long-term programming and impacting their institutional development. (Article 7)

• Women are under-represented in international delegations and have few opportunities to work in international organizations on behalf of the Republic of Armenia. (Article 8)

• Families sometimes prioritize the education of the boy over that of the girl, particularly in situations of financial need, pending military service or where the school is located far from home. (Article 10)

• There is clear discrimination in the number of female school administrators who work in the Armenian education system, versus the number of male administrators, in spite of the fact that the majority of teachers are women. (Article 10)

• Some textbooks reinforce traditional gender stereotypes of girls cooking, serving and sitting passively while boys are active, performing physical activities. (Article 10)

• The Law on Military Service, which provides a deferment for boys who study at university may provide a de facto incentive to discriminate against girls in enrollment for competitive classes, awards of scholarships and admittance to post-graduate programs. (Article 10)

• Gender-tracked courses in secondary schools (e.g., “Labor and Housekeeping”) reinforce gender stereotypes. (Article 10)

• The State does not provide education regarding reproductive health, sexual education or family planning in the school system. (Article 10)
• There is no enforcement mechanism to ensure that labor laws and employment regulations are enforced by private employers. Given the difficult economic situation, this enables employers to exploit workers and, in particular, women. (Article 11)

• Protective legislation regarding a woman’s work obligations while pregnant or when she has small children hinders women’s opportunities for equal employment and success in the professional sphere. (Article 11)

• Current pregnancy and maternity leave laws de facto encourage discrimination as they constitute significant disincentives to hiring women. (Article 11)

• There are no provisions for social benefits for people (men or women) working in non-monetised sectors of the economy. (Article 11)

• Sexual harassment is not recognized as a problem and there are no legal remedies available for women who have been sexually harassed. (Article 11)

• There are no anti-retaliation or whistleblower protection laws to protect individuals who seek to enforce their rights against employers in court. (Article 11)

• Women’s health care services in Armenia are often unaffordable and inaccessible. (Article 12)

• Many women do not have control over their own health care decisions. (Article 12)

• While knowledge of the existence of contraceptive methods is high, use of effective techniques is low. Abortion remains the most prevalent form of birth control. (Article 12)

• There are virtually no mental health facilities available in rural areas; harsh negative social stigmas attach to the users of such services in both rural areas and urban centers. (Article 12)

• Domestic violence is a serious, widespread issue with few available remedies. No shelters exist for domestic violence victims. (Article 12)

• People are not well educated about the causes and possible methods of prevention of HIV/AIDS. (Article 12)

• Rigid gender stereotypes dictate social behavior and generally limit women’s opportunities to participate in various aspects of rural life, including planning and development efforts, civic participation, education, and other community activities. (Article 14)

• Health care facilities are inadequate in rural areas and the high cost of services and remoteness of their location make them inaccessible and/or undesirable for most women. (Article 14)
• Lack of basic standards of living (with regard to water, electricity, communication and transportation) particularly impacts women as it increases their already overburdened workload. (Article 14)

• Non-monetised labor is not valued to ensure an equitable provision of social benefits, including pension funds and health care coverage. (Article 14)

• While basic precepts of equality before the law are protected, the Armenian legal system is not regarded as a practical vehicle to protect or promote one's rights, to resolve disputes or to appeal for civil remedies. This is true for both women and men. (Article 15)

• Because prenuptial agreements are illegal and because couples do not appeal to the court system as a neutral arbitrator at the dissolution of a marriage, women often have less bargaining power in property negotiations. (Article 16)

• Traditional gender stereotypes sometimes limit the rights that women have in marriage, even when they are technically protected by law. (Article 16)

• There is no effective mechanism to compel payment of alimony or child support. (Article 16)

• Many Armenian men and women do not understand their shared rights and responsibilities in marriage and in child rearing. (Article 16)

• Marriage with or between minors sometimes takes place, particularly in rural areas. (Article 16)