



Armenian Young Lawyers Association
Non-Governmental Organization

Legal Monitoring of the Implementation of the UN “Convention on the Elimination of all Forms of Discrimination Against Women” (CEDAW) in Armenia, including Legal Monitoring of the Latest (combined 5th and 6th) Reports of the RA submitted to the UN Committee on the Elimination of Discrimination against Women in 2014

SHADOW REPORT

YEREVAN
October, 2015

The Draft Shadow report on “Legal Monitoring of Implementation of the Provisions of the "UN Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW) and the Combined fifth and sixth periodic reports on Armenia of the Committee on the Elimination of Discrimination against Women submitted in 2014” was prepared by the experts of the Armenian Young Lawyers Association NGO in the framework of “Influencing the Women’s Rights Agenda” Project with financial assistance of the Embassy of the Federal Republic of Germany.

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Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted on 18 December 1979 by the UN General Assembly. The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women was adopted on 6 October 1999. This document is probably the only international legal instrument which explicitly prohibits any form of discrimination against women and requires the states that have ratified the instrument to create working legal mechanisms for fight against the inequality of men and women. The Convention is an international legal instrument on human rights, which is ratified by the largest number of countries: it has been ratified by 189 states¹.

The main characteristic of the Convention is that the state parties undertake to the Secretary-General of the United Nations, for consideration by the UN Committee on the Elimination of Discrimination against Women (Committee), periodic reports on the legislative, judicial, administrative or other measures which they have adopted. As a result of examination of these reports the Committee provides appropriate recommendations and adopts necessary directives. As a rule, these documents include the specific measures that should be implemented by the states to ensure the execution of Convention obligations.

The Republic of Armenia ratified the Convention on 13.10.1993, and the Optional Protocol on 23.05.2006.

Countries that have ratified or acceded to the Convention shall submit a national report within one year after entry into force of the Convention for the State concerned and thereafter at least every four years and further whenever the Committee so requests.

Since ratification of the Convention, Armenia has submitted to the Committee a total of 6 reports: the first report was submitted in 1996; the second in 1999; the Combined third and fourth periodic reports in 2008; and the Combined fifth and sixth periodic reports in 2014.

On 1 May 2015, the Armenian Young Lawyers Association Non-Governmental Organization launched the “Influencing the Women’s Rights Agenda” project with financial support of the Embassy of the Federal Republic of Germany in the Republic of Armenia. The project implementation period is 6 months.

The key objectives of the project are:

- To undertake legal monitoring of implementation of Armenia’s obligations under CEDAW (Convention on the Elimination of all forms of Discrimination against Women), including legal monitoring of the latest (combined 5th and 6th) report of the RA submitted to the UN Committee In 2014.

¹ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

- To increase awareness of women's rights issues and protecting women's rights.
- Start a debate on the gender balance in local policies by hosting regional seminars with participation of local councils:

The following activities were implemented in the framework of the project:

- In the period of 1 May 2015 until and including 15 September 2015, free legal advice on women's rights to the population was provided by AYLA's offices in Yerevan, Gyumri, Vanadzor, Gavar and Kapan cities.

In total, free legal advice was provided to 556 individuals in Yerevan and 4 provinces of the RA, of which 339 were women and 217 were men:

- Training courses on women's rights were organized and conducted for the lawyers, human rights defenders and the advocates involved in women rights issues in Yerevan and the four provinces of the RA (Shirak, Lori, Gegharkunik and Syunik).
- Training courses for civil society organizations and local government representatives were organized and conducted in Yerevan and the four provinces of the RA (Shirak, Lori, Gegharkunik and Syunik).

In total 195 individuals were trained in Yerevan and 4 provinces of the RA, of which 139 were women and 56, were men. Among them:

- *89 lawyers, human rights defenders and advocates,*
- *67 CSO representatives,*
- *39 local government representatives.*
- Trainings of trainers were organized in Yerevan and 4 provinces of the RA (Shirak, Lori, Gegharkunik and Syunik). 60 young lawyers, law and humanities students attended the training courses on 5 problems that exist in the target area. After completion of the training the volunteer trainers organized and conducted public awareness seminars on the women's rights for the interested representatives of different entities and the beneficiaries.

In total, 2 series of trainings of trainers for a total number of 60 participants were organized in the scope of the project. The graduates conducted 135 awareness seminars on the women's rights for the interested representatives of different entities and the beneficiaries. A total of 1538 individuals, of which 1080 were women and 458 were men, attended the seminars.

The training courses and the free legal advice covered the full range of women's rights (economic, social, cultural and political) and focused on the following issues which are particularly relevant to Armenia:

- *Sexual and reproductive rights, including the issue of sex selective abortion.*
- *Property rights, including in the context of marriage, divorce and inheritance.*

- *Employment rights, including equal pay and maternity benefits, employment discrimination.*
- *Political participation, including international best practice on gender quotas and other affirmative action in sectors such as public company boards, the judiciary, local and central government, etc.*
- *Armenia's commitments under international treaties and practical ways of enforcing women's rights.*
- www.iravaban.net website periodically published information on the events organized within the scope of the project, together with analytical articles about the current state and development of women's rights in Armenia as well as success stories. Iravaban.net is an independent professional platform, which stands out for publishing of professional materials. The website is an exceptional platform for the coverage of different themes in the legal sphere and currently has around 100.000 followers on Facebook.
- The project booklet and 5 brochures on aspects of women's rights were published and distributed.

Methodology of preparation of the Shadow Report

The report was prepared through combining the following methods:

- Study of the UN “Convention to Eliminate all forms of Discrimination Against Women”; Recommendations of the UN Committee on the Elimination of Discrimination against Women referring combined 3rd and 4 report of the Republic of Armenia; and the 5th and 6th report of the RA recently submitted to the UN Committee on the elimination of discrimination against women.
- Analysis of the extent to which the recommendations of the Convention and the UN Committee on the elimination of discrimination against women are included in the combined 5th and 6th report of the RA on the implementation of the recommendations by the Republic of Armenia; the extent to which they are incorporated in the legal field of the RA; and what changes have been made in this regard; the extent to which these provisions are maintained or infringed in practice; key problems have been revealed.
- A number of surveys were conducted with different governmental and non-governmental organizations aimed to collect additional data, including the latest statistical data

- A series of interviews were conducted with the responsible state authorities of the sphere, representatives of the non-governmental and international organizations, lawyers and advocates:
- A number of international conventions providing for the women's rights, ECHR precedents, directives of the EU Commission, and rulings of the European Court of Justice, the RA and international legal acts and international best practice were studied:
- Training courses for lawyers, human rights defenders, advocates involved in women rights issues, representatives of CSOs and Local Government representatives were organized; the recommendations of the participants were considered.

The legal monitoring of Articles 2 – 16 of the Convention was conducted with special focus on the above mentioned issues that are specific for Armenia.

The draft report was discussed with women's rights experts and civil society organizations involved in women's rights issues in Yerevan and in 4 regions of the Republic of Armenia (Shirak, Lori, Gegharkunik and Syunik). 153 people attended the public discussions, of which 113 women and 40 men. The report includes suggestions of the lawyers, human rights defenders, advocates involved in women rights issues, representatives of CSOs and Local Government representatives.

Part 1

Legal monitoring of implementation of the obligations under the UN Convention on the Elimination of all Forms of Discrimination against Women by articles and identification of the problems.

Monitoring of commitments under the Convention by articles: revealing problems

ARTICLE 2. The State's obligation to pursue a policy of eliminating discrimination against women.

De jure compliance

- Labor Code of the Republic of Armenia: Article 3 Part 1, Point 3.
- Family Code of the Republic of Armenia; Article 1, Parts 3 and 5.
- Law of the Republic of Armenia on the Profession of Advocate: Article 29 Part 3.
- Judicial Code of the Republic of Armenia: Article 15, Part 2 and Article 117, Part 3.
- Electoral Code of the Republic of Armenia: Article 3, Point 3, Article 40, Point 2, Article 41, Point 2, Article 108, Point 2, Article 155, Point 2.

- The Law of the Republic of Armenia on Public Organizations: Article 3, Point 2, Article 4, Point 1.
- The 2015 Action Plan of Equality Policy between Women and Men. Appendix of the Protocol Resolution #13 of the RA Government Session of 26.03.2015.
- Gender Policy Concept. Appendix of the protocol Resolution #5 of the RA Government Session of 11.02.2010.
- The 2013 Gender Policy Action Plan. Appendix of the protocol Resolution #4 of the RA Government Session of 31.01.2013.
- The 2012 Gender Policy Action Plan. Appendix of the protocol Resolution #2 of the RA Government Session of 19.01.2012.
- Republic of Armenia Gender Policy Strategic Action Plan for 2011 – 2015.
- Appendix 1 of the protocol Resolution #19 of the RA Government Session of 20.05.2011.
- Other legal acts.

According to Article 15 of the Constitution of the Republic of Armenia adopted on 5 July 1995: *“The citizens of the Republic of Armenia are equal before the Law, irrespective of nationality, race, sex, language, religion, political and other opinions, social origin, estate or other position, have all rights, freedom and obligations qualified by the Constitution and laws.”* According to Article 16 of the same legal act: *“Article 16: All shall be equal before the law without any discrimination shall enjoy equal protection by the law.”* After the amendments and changes in the RA Constitution on 27 November 2005, Article 14.1 of the basic law became more comprehensive and regulated the prohibition on discrimination against women establishing that: *“Everyone shall be equal before the law. Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited.”*

Thus, until the amendments in 2005, Article 15 was restricting the principle of equality of people, since it applied only to citizens of the Republic of Armenia. And such provision implied that foreigners and stateless persons based on sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances could be treated differently in the territory of the Republic of Armenia. At the same time, it should be noted that before these changes, Article 16 provided prohibition of discrimination as a human right. Nevertheless, as a result of constitutional reforms in 2005, the basic law adopted a single legal regulation referring the elimination of discrimination against the person on the principle of equality of all before the law.

Pursuant to Article 2 of the Convention as well as from the aspect of the protection of women's rights and elimination of discrimination, Armenia has ratified a number of international legal acts².

It is also noteworthy that in 2010-2011, Armenia presided in the Commission on the Status of Women, which is a functional commission of the United Nations Economic and Social Council (ECOSOC).

The Council on Provision of Equal Rights and Equal Opportunities for Women and Men in the Republic of Armenia was established by the 19 November 2014 Resolution N 1152-A of the RA Prime Minister. The Council shall coordinate ensuring of equal rights and equal opportunities for the women and men in all spheres of the public life.

The purpose of the Council is to coordinate the processes of all strategic and tactical programs referring to the equality of women and men, gender, discrimination and violence-related issues in all areas of public policy and public administration at all levels.

ARTICLE 3. Ensuring a system for the full development and advancement of women.

Problems

1. Absence of the relevant authorized state body on women's rights.

During the 17th session of the CEDAW Committee, Armenia's initial report was discussed and the following observations and recommendations were made as regards implementation of Article 3 of the treaty:

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

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

²

<http://www.arlis.am/DocumentView.aspx?DocID=24266>, <http://www.arlis.am/DocumentView.aspx?DocID=31426>,
<http://www.arlis.am/DocumentView.aspx?DocID=39845>, <http://www.arlis.am/DocumentView.aspx?DocID=75463>,
<http://www.arlis.am/DocumentView.aspx?DocID=4156>, <http://www.arlis.am/DocumentView.aspx?DocID=76190>,
<http://www.arlis.am/DocumentView.aspx?DocID=3195>, <http://www.arlis.am/DocumentView.aspx?DocID=18500>,
http://coe.am/index.php?cat_id=37&out_lang=eng

The Government's response to this was to establish, in the Ministry of Social Security (now the Ministry of labor and Social Issues), a Department of Family, Women's and Children's Issues, within which there is a Division of Women's Issues. According to the Ministry's website, the Division has the following functions:

- Researches gender issues and drafts programs for their solution.
- Researches issues of women trafficking and drafts programs to restore the social position of victims.
- Drafts measures to improve the position of women in Armenia and to increase their role in society.

This contrasts with CEDAW policies, as expressed by General Recommendation No. 6 (seventh session, 1988) and the Beijing Declaration and Platform for Action.

General Recommendation no. 6 is headed "Effective National Machinery and Publicity", and its main recommendation is that State parties should:

1. Establish and/or strengthen effective national machinery, institutions and procedures, at a high level of Government, and with adequate resources, commitment and authority to:
 - a) Advise on the impact on women of all government policies;
 - b) Monitor the situation of women comprehensively;
 - c) Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination;

In contrast, it is clear from the website of the Ministry of labor and Social Affairs that the role of the Division on Women's Issues is limited to researching and drafting.

The www.mlsa.am website publishes statistics in respect of the areas covered by each of its departments. However the Department of Family, Women's and Children's Issues only publishes statistics regarding children³ and no statistics regarding women. Further, the webpage concerning "Programs and draft legislation"⁴ is completely blank as regards gender issues.

Further, paragraphs 201 & 202 of the Beijing Declaration and Platform for Action state:

201. A national machinery for the advancement of women is the central policy coordinating unit inside government. Its main task is to support government wide

³ http://www.mlsa.am/home/index.php?menu_id=110&child_id=128&code_id=200 accessed on 10.08.2015

⁴ http://www.mlsa.am/home/index.php?code_id=296&menu_id=290 accessed on 10.08.2015

mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:

1. Location at the highest possible level in the Government, falling under the responsibility of a Cabinet minister;
2. Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
3. Sufficient resources in terms of budget and professional capacity;
4. Opportunity to influence development of all government policies.

202. In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that, before decisions are taken, an analysis is made of the effects on women and men, respectively

It is clear from the functions of the Division of Women's Issues that it cannot claim to be a "central policy coordinating unit", and it is not able to ensure the prior mainstreaming of gender perspective in all draft policies and programs. Further, one could hardly say that a division within a department constitutes "Location at the highest possible level in the Government."

It is interesting to note that back in 2004, when developing the 2004-2010 National program and action plan for improving the situation of women and their role in society⁵, the Government recognized that the current institutional framework was insufficient. Section 8 of the Program is as follows:

Strategy

- 8.1. Developing effective institutional arrangements to address women's issues.

Measures

8.1.1. To develop suggestions regarding the establishment of a public agency, which will coordinate and supervise activities of executive authorities in relation to women's issues.

8.1.2. To pursue a policy of developing social partnership between the Government, NGOs, and international organizations.

Institutional Reforms

⁵ The RA Government resolution N 645 of 8 April 2004, On the approval of The 2004-2010 National Program and Action Plan and its schedule for improving the Situation of Women and their Role in Society

Situation Analysis

At present, women's issues are dealt with by the Department for Women's and Children's Issues created within the Republic of Armenia Social Security Ministry in 1997, as well as the Mother and Child Health Protection Division of the Republic of Armenia Ministry of Health. In 1997, the Prime Minister issued a decree on creating a Committee to carry out the 1998-2000 Gender Policy Development Program. This was a three year program designed to improve the status of women, which was never implemented due to the lack of financing.

In 2000, the Women's Council was created under the Prime Minister of the Republic of Armenia, which is a voluntary consultative body. In 2002, a deputy minister was appointed in the Social Security Minister to coordinate activities aimed at addressing women's issues. However, all of these bodies tackle social, health related, and employment concerns, and do not have sufficient resources and powers to either develop or carry out an effective policy to overcome women's issues and to ensure equal rights and opportunities for women and men.

Thus, it is necessary to either create a new institution or to give more powers to an existing one, to carry out persistent projects aimed at addressing women's issues, to coordinate and oversee activities of executive authorities in areas related to women's issues, to come up with recommendations on the legal regulation of women's issues, and to collaborate with legislative and judicial authorities and non-governmental organizations. This type of an approach fits well with the international standards and complies with the international commitments undertaken by the Republic of Armenia.

ARTICLE 4. Temporary special measures.

De jure compliance

There are two areas where Armenia has accepted in principle that temporary special measures are required. These are the issues of candidates for the National Assembly and candidates for the judiciary. See Article 7.

ARTICLE 5. Modifying the social and cultural patterns of conduct of men and women.

Problems

1. Law level of legal awareness about the gender stereotypes among the RA population.
2. Insufficient steps towards overcoming gender stereotypes in rural areas.
3. The need of legal guarantees against domestic violence.

De jure compliance

- The of the Republic of Armenia Law “On Television and Radio Broadcast”, Article 22.
- The Republic of Armenia Law “On Advertising”, Article 8.
- The Republic of Armenia Law “On Provision of Equal Rights and Equal Opportunities for Women and Men”.
- Republic of Armenia Gender Policy Strategic Program 2011-2015
- Other legal acts.

The Combined 5th and 6th Periodic Reports on implementation of the Convention by the Republic of Armenia⁶ do not include information on implementation of most of the requirements provided in Paragraph 21 of the requirements of the Committee⁷. In other words, it can be assumed that no activities had been developed to implement the above paragraph.

The above mentioned report was discussing the steps undertaken to implement the requirements of the recommendations such as measures to undertake awareness-raising and educational campaigns targeting, inter alia, community leaders, parents, teachers, officials and young girls and boys, and to some extent be related to the role of mass media as well.

Thus, in the scope of the Republic of Armenia Gender Policy Action Plan 2011, training activities on gender violence were organized in the education sphere, for the students of the craft and vocational collages⁸. "Trust" Social Work and Social Research Center and the International Center for Human Development (ICHD) have organized trainings on the topics of gender violence for specific target groups, for the students and lecturers.

In the scope of the Republic of Armenia Gender Policy Action Plan 2012, professional development training activities on gender violence were organized in the education sphere, for the directors, deputy directors and teachers of the craft and vocational collages, aimed at the formation of their gender targeted attitude, knowledge and enhancement of gender sensitivity. In addition, training courses were organized for 41 groups of 920 lecturers and teachers of production education in the framework of the vocational education sector reforms. The training program included topics on gender issues that exist in the sphere.

⁶ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, pages 45-52.

⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women; Committee on the Elimination of Discrimination against Women 43rd session 19 January-6 February 2009 CEDAW/C/ARM/CO/4/Rev.1/, para 21:

⁸The Official Information is provided by the RA Ministry of Education and Culture on 17.08.2015.

Measures were implemented to increase awareness of the students about professional orientation, overcoming gender stereotypes, formation of motivation among the girls and the boys towards the non-traditional occupations for women. Professional orientation activities were carried out for the college students to promote raising their awareness about different profession. Non-formal education training courses aimed at enhancing their competitiveness in the labor market and development of skills were conducted as well.

In the scope of the 2013 National Action Plan to Combat Gender-based Violence, the topics on gender based violence issues were included in the module of trainings for the directors, deputy directors and lecturers of the craft and vocational collages. The topic “Possible manifestations of gender-based violence and its prevention” was included in the module of trainings for the directors, deputy directors and the teachers’ staff of the craft and vocational collages.

Activities on teaching the directors, deputy directors and pedagogues of the craft and vocational collages aimed at raising the level of their knowledge on domestic violence were conducted in the scope of the 2014 Action Plan on Prevention of Gender-Based Violence.

During the 2011-2014, training courses for the civil service employees on the topic “Gender Issues” were conducted according to the program approved by the RA Government Resolution N 567-A of 8 July 2008. Around 297 specialists of the top management, senior, leading and junior civil service employees were trained in the scope of the program. In 2011, 38 businesswomen participated in 7 start-up entrepreneur support training courses, organized by the RA Ministry of Economy in the scope of the Start-up Business Support Program.

Ms Astghik Mirzakhanyan, Head of Social Affairs Department of Republic of Armenia Government, expressed dissatisfaction about the issue of the study of the role of media in the elimination of stereotypes related with dissemination of wrong interpretation of the notion “gender”⁹. Therefore, it is necessary first of all to carry out work in this direction to increase awareness of journalists, to avoid from confusing the citizens in future.

According to information on the activities implemented in the scope of the Republic of Armenia Gender Policy Action Plan 2011, provided by the RA Ministry of Labor and Social Affairs, a qualification development training on forming gender perception was organized for the media representatives.

But no urgent measures aimed at changing the stereotypes on subordination of the women and the role of both genders in **rural areas** were taken.

Whereas in order to ensure the provision of Article 5 (b) of the Convention, it is necessary to develop mechanisms to prevent and stop domestic violence. In 2013, the RA

⁹ Interview with Astghik Mirzakhanyan, Head of Social Affairs Department of Republic of Armenia Government in the scope of “Multi-Faceted Anti-Corruption Promotion” project “Change of behavior of Men's and women's social and cultural models”, Yerevan 2015, August 27.

Ministry of Labor and Social Affairs has developed the Draft Law on Domestic Violence, which has not yet been adopted.

ARTICLE 6. Suppressing all forms of traffic in women and exploitation of prostitution of women.

The Combined 5th and 6th Periodic Reports on implementation of the Convention by the Republic of Armenia¹⁰ do not include information on implementation of most of the requirements provided in Paragraphs 24-27 of the requirements of the Committee¹¹. In other words, it can be assumed that no activities had been developed to implement the above paragraph.

Problems

1. Lack of awareness in the field of labor relations, in particular regarding white slavery.
2. Funding for shelter for victims of both gender-based violence as well as of trafficking has not been increased.
3. Victims of domestic violence become victims of trafficking as well.
4. Circumstances forcing women and girls to engage in prostitution are not eliminated.
5. Administrative liability imposed on women engaged in prostitution is not abolished
6. No sex-aggregated information and data on the exploitation of prostitution is included in the report

De jure compliance and undertaken measures

- The RA Criminal Code, Article 132.
- “On the approval of Procedure for the National Referral Mechanism for victims of trafficking” RA Government Resolution 1385-A
- The 4 March 2004 RA Government Resolution N 318-N
- The Republic of Armenia Law on Identification of and Support to Victims of Trafficking or Exploitation.
- The RA Code of Administrative Violations, Article 1791,
- The RA Criminal Code, Article 262,

¹⁰Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, pages 28-33.

¹¹ Concluding observations of the UN Committee on the Elimination of Discrimination against Women/ Forty-third session / 19 January-6 February 2009/, CEDAW/C/ARM/CO/4/Rev.1 / para. 25 & 27.

- During 2004-2015 the RA Government adopted 4 National Programs to combat Human Trafficking.
- In 2007 the “Council on Trafficking in Human Beings” was established in the Republic of Armenia
- In 2011, the RA Ministry of Labor and Social Affairs signed an agreement with UMCOR Non-Governmental Organization which is implementing the “State Support to the Victims of Trafficking” project.
- Other legal acts.

De facto compliance

Certain steps have been taken to combat trafficking, one of the requirements under the Committee's recommendations. During the period from 2012 up to the end of the first quarter of 2014, a total of 31 trafficking related criminal cases were initiated in Armenia, and 29 persons were charged for trafficking. Most of the victims (28) were women and 10 were men. 14 of the victims were juveniles at the time of the crime¹².

In 2013, the US Department of States published the Trafficking in Persons Report 2012. According to the report, Armenia for the first time is ranked in Group 1 in terms of combating the international trafficking¹³.

Ms Armenuhi Tanashyan referred to the circumstance that certain difficulties may arise when identifying trafficking cases, with regard of identifying the person in certain cases is not the victim of trafficking but the organizer¹⁴.

Women are more likely to become victims of trafficking than men. In 2010-2014 and in the first half of 2015, from 83 persons that were victims of trafficking 63 were women¹⁵. The evidence for this is the study of the Annual Report on the Activities of the RA Human Rights Defender and on the Violations of the Human Rights and Fundamental Freedoms in the Country during 2014. According to it two of every three victims of trafficking are girls, and along with the women, 70 percent of trafficking victims around the world.

Steps were taken to prevent the main factors contributing to trafficking. It should be noted that trafficking is due to the fact that many women are not aware of their labor rights and thus become victims of white slavery in the form of manifestation of forced labor, because they do not realize that the reality is an abuse of their rights.

¹² Annual Report on the Activities of the RA Human Rights Defender and on the Violations of the Human Rights and Fundamental Freedoms in the Country during 2014.

¹³ <http://www.state.gov/j/tip/rls/tiprpt/2012/>

¹⁴ Interview with Armenuhi Tanashyan, Head of Women Affairs Department of the RA Ministry of Labor and Social Affairs in the scope of “Multi-Faceted Anti-Corruption Promotion” project “Problems of trafficking and exploitation in Human beings in Armenia, Yerevan 2015, August 5.

¹⁵ The official statistics is provided on 18.08.2015, by the RA General Prosecutor’s Office.

Certain steps have been taken referring another requirement under the Committee's recommendations: **to ensure the rehabilitation and social reintegration of victims of trafficking**¹⁶.

Thus, during the period of 2011-2014 around 107 beneficiaries were provided primary care, shelter, rehabilitation services medical, social, psychological and legal advice in the scope of the “State Support to the Victims of Trafficking” project.

According to Viktoria Avakova, Health/Anti-Trafficking Program Coordinator at UMCOR-NGO Armenia, the adoption of the new law exempts victims of trafficking from the obligation to cooperate with law enforcement authorities. Whereas according to the former legislative regulation, in case of refusal to cooperate, the victim did not have the right receive the full package of support, and received only the primary support.

In the scope of cooperation with the RA Ministry of Healthcare, the RA Ministry of Labor and Social Affairs refer the victims of trafficking to appropriate medical establishments.

It should be noted that steps are taken to reintegrate victims into society. Victoria Avakova said that the government had sent a victim on training courses, and the employer accepted her to work in the future.

In January-June 2015, an employment proposal was made through “Hope and Help” NGO to one pre-identified human trafficking victim. The latter accepted the proposal and later was employed.

However, **when compared with international standards, not all necessary steps are taken** to meet this obligation. Yenok Shatvoryan, President of “Hope and Help” NGO said that there is a fund operating in Georgia, through which the human trafficking victims are provided sufficient assistance if the person is recognized as a victim of trafficking. He believes that such fund will be useful for Armenia as well, because there is no such fund functioning here.

Funding for shelter for victims of both gender-based violence as well as of trafficking has not been increased.

As for prostitution, it should be noted that measures directed to restore the services for the women and girls who are engaged in prostitution and their reintegration in the society, as well as for the support of women who want to leave prostitution have been undertaken.¹⁷

¹⁶ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, Para 53.

¹⁷Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, Para.57.

Victims of domestic violence become victims of trafficking as well.

UMCOR-NGO Armenia has registered cases when the victims of domestic violence became victims of human trafficking as well. V. Avakova believes that the law on domestic violence will regulate this issue as well. However, as we have already noted the RA Draft Law on Domestic Violence has not been adopted yet.

Circumstances urging the women and girls to engage in prostitution are not eliminated.

Insufficient employment level of the population and the level of poverty continue to be the factors instigating to prostitution.

Administrative liability imposed on women engaged in prostitution is not abolished.

No legislative changes have been implemented in this direction. Moreover, the RA criminal law provides responsible for promoting prostitution. It is therefore illogical why less responsibility may be provided for the offense itself, whereas in case of assistance to it criminal responsibility is foreseen.

ARTICLE 7. Elimination of discrimination against women in the political and public life of the country.

The Combined 5th and 6th Periodic Reports on implementation of the Convention by the Republic of Armenia do not include information on implementation of most of the requirements provided in Paragraphs 17, 28 and 29 of the requirements of the Committee.¹⁸ In other words, it can be assumed that no activities had been developed to implement the above paragraph. Furthermore, this report contains statistics which also show that the level of representation of women in political life has not increased, and in some areas even digression has been registered.

De jure compliance

- The Republic of Armenia Law “On Provision of Equal Rights and Equal Opportunities for Women and Men”, Article 12.
- Electoral Code of the Republic of Armenia.

¹⁸ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, pages 23:

- Other legal acts.

PARTICIPATION IN LEGISLATIVE BRANCH OF GOVERNMENT

Problems.

1. Low level of women's participation in legislative branch.

De jure compliance

After the amendments to the Electoral Code, Part 2 of Article 108 provided the following regulation: *The number of representatives of each gender must not exceed the 80% of each integer group of five candidates (2-6, 2-11, 2-16 and subsequently till the end of the list) starting from the second number of the electoral list of a political party, of an alliance of political parties and of each of the parties included in an alliance for the elections to the National Assembly under the proportional electoral system.*

De facto compliance.

Low level of women's participation in legislative branch.

The Inter-Parliamentary Union has compiled a table where the Republic Armenia is ranked 112 (as of 1 November 2015) among 140 countries according to percentage of women's participation in the legislative branch, which is a low rate¹⁹. Rwanda is in the first place where women's participation is up to 63,8 %: The next positions are Bolivia, Cuba, Seychelles, Sweden, etc.

The former legislative regulation provided that at least 5% in the electoral list of a political party for the elections to the National Assembly under the proportional electoral system must be women. This quota provided according to the above mentioned norm was even funny. There was no compulsory requirement regarding the integer group of five either. Although the women's participation in all party lists according to these changes was 20% or more, however only 13 women or merely 9,92 % were represented in the National Assembly after the elections. Though the new regulation may be estimated as positive, nevertheless it should be mentioned that it is discriminatory in the sense that it starts not from the integer group of five candidates 1-5, but from the integer group 2-6, thus not including woman candidates in the first group of five candidates.

¹⁹<http://www.ipu.org/wmn-e/classif.htm>

Table 1 presents the number of the RA Deputies from The Parliament of the First Republic of Armenia until the Fifth Convocation of the National Assembly of the Third Republic of Armenia.

Table 1

Parliaments of the 1st and 3rd Republics of Armenia	Total number of Deputies	Majority System	Proportional System	Total number of Women Deputies	Number of Women Deputies elected through Majority System	Number of Women Deputies elected through Proportional System
1918 – The Parliament of the First Republic of Armenia	82	82	0	3 3.66%	3 3.66%	0
1990 - The National Assembly of the Republic of Armenia of the first Convocation	260	260	0	9 3.46%	9 3.46%	0
1995 - The National Assembly of the Republic of Armenia of the First Convocation	190	150	40	12 6.32%	4 2.67%	8 20%
1999 - The National Assembly of the Republic of Armenia of the Second Convocation	131	75	56	4 3.05%	1 1.33%	3 5.6%
2003 - The National Assembly of the Republic of Armenia of the Third Convocation	131	75	56	7 5.34%	1 1.79%	6 8%
2007 - The National Assembly of the Republic	131	41	90	12	0	12

of Armenia of the Fourth				9.16%		9.16%
2011 - The National Assembly of the Republic of Armenia of the Fifth Convocation	131	41	90	13	2	11
				9.92%	4,87 %	12,2 %

The study of Table 1 shows that after the amendments in the RA Electoral Code there is slight but positive progress. This progress shows that the introduction of quotas, and the increase of the number of representation provided by quotas is not necessarily an end in itself. For example after the Parliamentary elections of 6 May 2012, the number of women in the National Assembly of the fifth convocation increased to 13.

If we study the representation of women in legislative bodies of earlier period, it will become clear that the introduction of quotas is not enough. Thus, at the beginning of the period of reconstruction, women accounted to 32.8% of the deputies of the USSR Supreme Soviet (1984 elections); 36% of the deputies of Supreme Councils of the Union Republics (1985 elections); and 50% of the deputies of regional and village councils (1985 elections). However, the artificially introduced women quotas in the elected bodies do not reflect their true political participation and role in the political decision making process. The first alternative elections have drastically reduced the representation of women in the Supreme Councils of the USSR and Armenia. In 1998 elections to the Supreme Council of the USSR women had only 343 parliamentary seats from 2250, which was only 15.6% of the total number. The above mentioned proves that reliance only on the quota system to increase women's representation is useless as well. It is necessary to combine it with different means. In addition, the established practice of the withdrawal, contributed to the fact that as a result only 10 % of women candidates came to the Parliament instead of 20%.

The RA Minister of Justice Arpine Hovhannisyan considers that the quota in the current situation is a necessity related with the realization of the women's legal possibility, which will contribute to raising the role of women in the society, breaking certain stereotypes existing in the society, etc. But Arpine Hovhannisyan explains the few number of women deputies not due to the fact of imperfection of legal acts, but with women's psychology, which to some extent is

due to the concept of “patrimony”, and also the lack of activity of women in legislative bodies. This fact cannot offer maximum guarantee of solving the problem.²⁰

Let’s examine best **international practices** in this relation.

In 2003, the Rwandan government approved the new Constitution, which includes a quota system for women at all levels of government. The legislation requires that 30 percent of all representatives, including the legislative branch, are women.

The difference of Rwanda's quotas from other systems is that quota does not apply to candidates only, but also provides a minimum number of seats for women (which is also known as Result Equality Quota). Only women are eligible to vote for seats designated for women only. Later that year, the women raised their level of participation in elections to the lower chamber of parliament from 23 to 49 percent. In the next stage of the 2008 elections, the women’s party meeting made an intense strategic move. Women who had gained a reputation in their places secured for the women decided to use their authority and experience in unsecured places, thus enabling women leaders to occupy positions designed exclusively for women. The result was stunning. In 2008, 56% of those elected were women. In 2013, women’s participation increased to 64 %.²¹

It should be noted that in addition to legislative quotas, there is also a quota system, which is voluntary political party quotas. The latter is used in 55 countries around the world.²² Its meaning lies in the fact that political parties voluntarily provide quotas for women in their lists. The study of international experience shows that this method is very effective. In particular, such types of quotas in Sweden ensure equal participation of men and women in legislative branch. It should be noted that in Sweden such high figure of participation of women has been recorded even in the case when only this quota was applied and no other legislative quotas are provided.²³

Moreover, Argentina, Croatia, Greece, France, Kenya, Mexico, Tanzania, and Zimbabwe have adopted an approach, according to which women's participation in the legislative power is provided by the combination of the 2 mentioned quotas.²⁴

²⁰ Interview with Ms Arpine Hovhannisyan, the RA Minister of Justice in the scope of “Influencing the Women’s Rights Agenda” project “Problems of Women’s participation in Legislative Branch”, Yerevan 2015, August 28.

²¹ Rwanda Strides Towards Gender Equality in Government, ELIZABETH BENNETT, <http://harvardkennedyschoolreview.com/rwanda-strides-towards-gender-equality-in-government/>

²²<http://www.quotaproject.org/uid/search.cfm#prebuilt=yes&countries=4,7,66,10,12,8,15,14,20,21,29,18,34,30,22,25,46,37,57,45,47,48,39,54,98,59,60,43,63,62,65,222,67,69,209,88,71,73,53,79,61,81,89,91,86,94,99,97,100,109,105,101,107,102,103,110,113,126,115,122,116,128,133,132,137,134,135,144,156,145,153,151,154,157,140,147,141,138,159,160,166,164,169,162,165,178,183,173,186,174,177,179,184,41,189,192,242,193,205,190,203,202,200,194,206,246,253,72,131,196,211,197,42,227,216,215,224,220,223,229,77,232,233,240,236,248&types=nofilter&s>

²³ <http://www.quotaproject.org/uid/countryview.cfm?id=197>

²⁴ See 30.

Low level of women’s participation in the governing bodies of legislative branch.

While a positive change in this respect was registered in the National Assembly, Deputy Speaker of the National Assembly is woman, yet the overall number remains low.

PARTICIPATION IN POLITICAL PARTIES

Problem

1. **Women's representation in party leadership positions is low**

De jure compliance

Law of the Republic of Armenia on Political Parties, Article 17.

De facto compliance

As of 17 August 2015, leaders of 11 Political Parties from total 77 parties registered in the Unified State Register of Legal Entities of the Republic of Armenia, are women. This is a low rate as well.²⁵

PARTICIPATION IN THE OFFICE OF PRESIDENT AND IN EXECUTIVE BRANCH

De jure compliance

The RA Law on Provision of equal rights and equal opportunities for women and men includes an article “Gender equality guarantees in the state administration.”

De facto compliance.

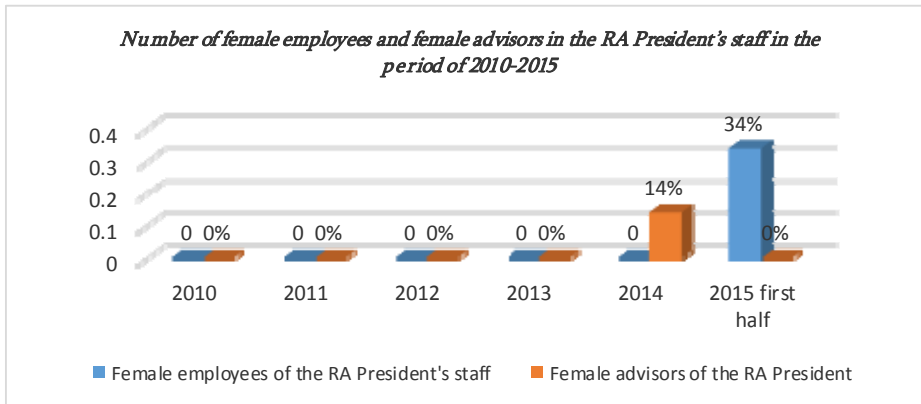
Problems.

1. **Low level of women’s participation among the RA President’s advisors.**

Diagram 1 presents the number of female employees and female advisors in the RA President’s staff in the period of 2010-2015.²⁶

²⁵ The official statistics is provided by the State Register Agency of the RA Ministry of Justice on 17.08.2015.

²⁶ The official statistics is provided by the Resource Department of the Office of the RA President on 06.08.2015.



As we see the situation from the aspect of advisors to the President is mildly speaking negative. The President does not have any female advisors. Moreover, when compared with 2014, there is a regress. A similar situation is in case of the Prime Minister's advisors.

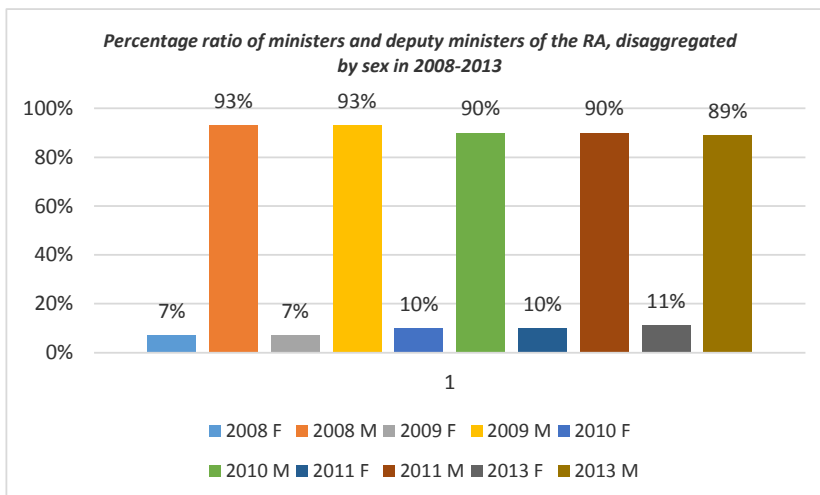
PARTICIPATION IN GOVERNMENT

Problem

1. Low level of women's participation in Government leadership positions

The Minister-Chief of Staff of the Government, as well as Deputy Ministers-Chief of Government Staff are men. A similar situation is in case of the Prime Minister's advisors.

*Diagram 2 presents the percentage ratio of ministers and deputy ministers of the RA, disaggregated by sex.*²⁷



²⁷ Women and Men in Armenia, National Statistical Service of the RA, Yerevan 2014.

The above diagram shows that for many years representation of women among the Ministers and Deputy Ministers in the Republic of Armenia was only 10%, which is extremely low rate.

Currently, there are only three woman Ministers in the RA Government: the RA Minister of Diaspora, The RA Minister of Justice and the RA Minister of Culture. There are woman Deputy Ministers only in the RA Ministry of Labor and Social Affairs (two Deputy Ministers), the RA Ministry of Education and Science, the RA Ministry of Culture and the RA Ministry of Urban Development.

The level of women's participation is low in the positions of the RA Deputies and Advisors of the Prime Minister, Deputy Ministers-Chief of Government Staff and Advisors, Heads of the RA Government Departments, RA Ministers and Deputy Ministers, Heads of the Adjacent Bodies to the RA Government.

PARTICIPATION IN TERRITORIAL ADMINISTRATION AND LOCAL SELF GOVERNMENT BODIES

Problems

1. The level of women's participation in the leadership positions of the territorial administrations is extremely low:
2. The level of women's participation in the governing bodies of the communities is extremely low
3. The RA legislation does not stipulate legal norms to ensure women's participation in the council of the elders of the communities (except in the Yerevan Council of the Elders).
4. Even when the stipulated legal norms are available there is a gender inequality in the Yerevan Council of the Elders.

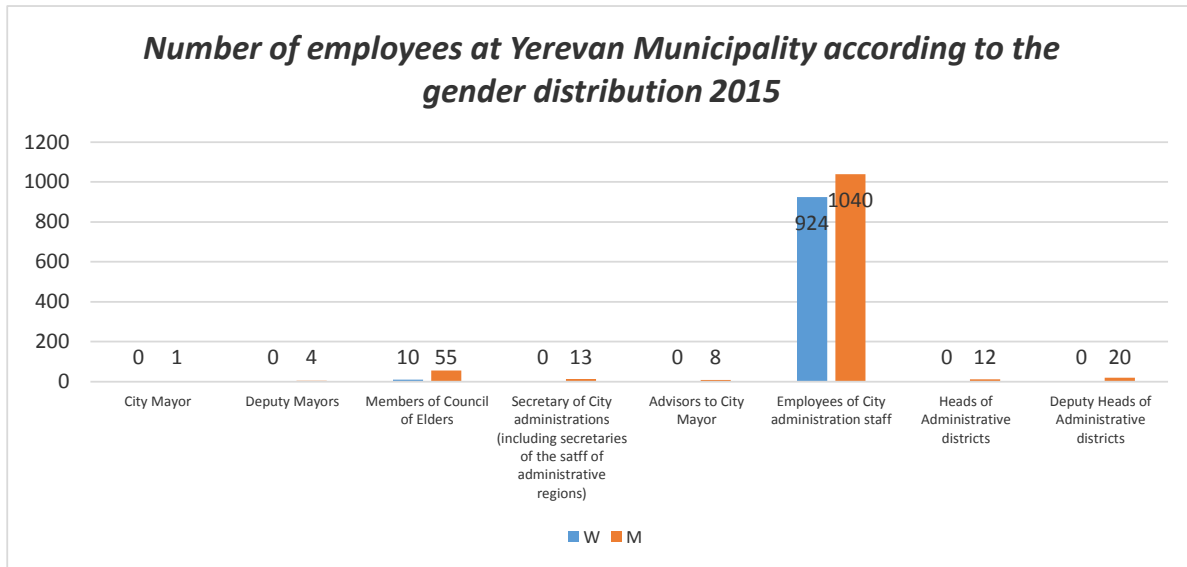
De jure compliance

- The RA Electoral Code, Article 155

De facto compliance

Diagram 3 presents the number of employees at Yerevan Municipality according to the gender distribution.²⁸

²⁸ The official statistics has been taken from the website <https://www.yerevan.am/am/staff/>.



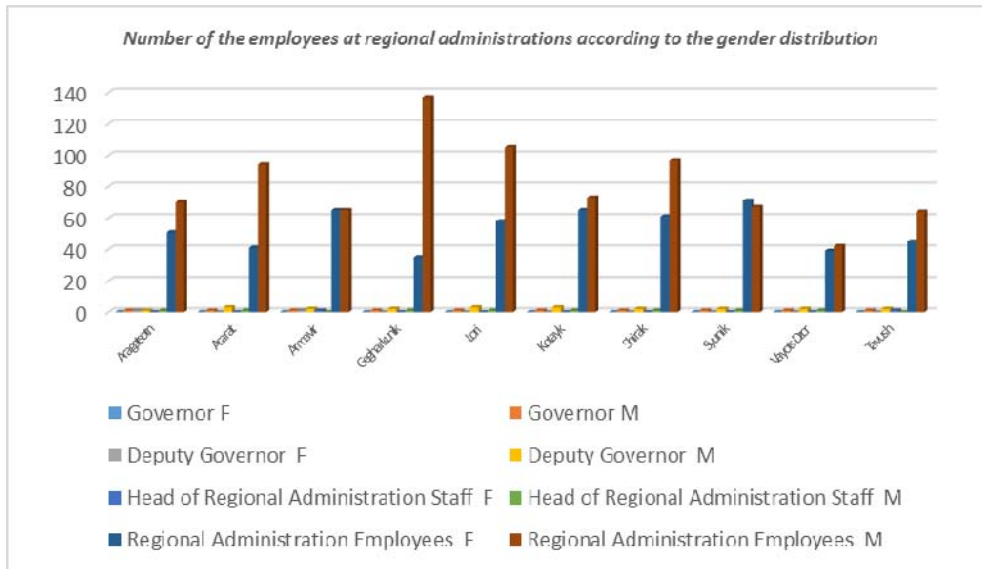
As we can see women's representation is 0 (zero) in the positions of the Mayor of Yerevan City, his deputies, advisors, the secretaries, heads of the administrative districts and their deputies.

As for the Council of the Elders of Yerevan, it is to be stated that women's representation has increased to some extent. If in 2008 as a result of the elections 5 out of 52 members were women (9.6%), after providing 20% quota in the RA Family Code as a result of the election of 2012, 10 out of 65 members of the Council of the Elders of Yerevan were women, which made up 15%. However even after the provision of the 20% quota women's representation did not increase much. In addition, there is a discrimination here as well, as there is an opportunity not to include women in the first integer group of five.

*Diagram 4 presents the number of the employees at regional administrations according to the gender distribution.*²⁹

²⁹ The official statistics about the regional governors, deputies and the chief of staff of the regional administrations has been taken from the following websites: Aragatsotn, from the website <http://aragatsotn.mtaes.am/structure/>, Ararat: <http://ararat.mtaes.am/structure/>, Armavir: <http://armavir.mtaes.am/structure/>, Gegharkunik: <http://gegharkunik.mtaes.am/structure/>, Lori: <http://lori.mtaes.am/structure/>, Kotayk: <http://kotayk.mtaes.am/structure/>, Shirak: <http://shirak.mtaes.am/structure/>, Syunik: <http://syunik.mtaes.am/structure/>, Vayots Dzor: <http://vdzor.mtaes.am/structure/> and Tavush: <http://tavush.mtaes.am/structure/>:

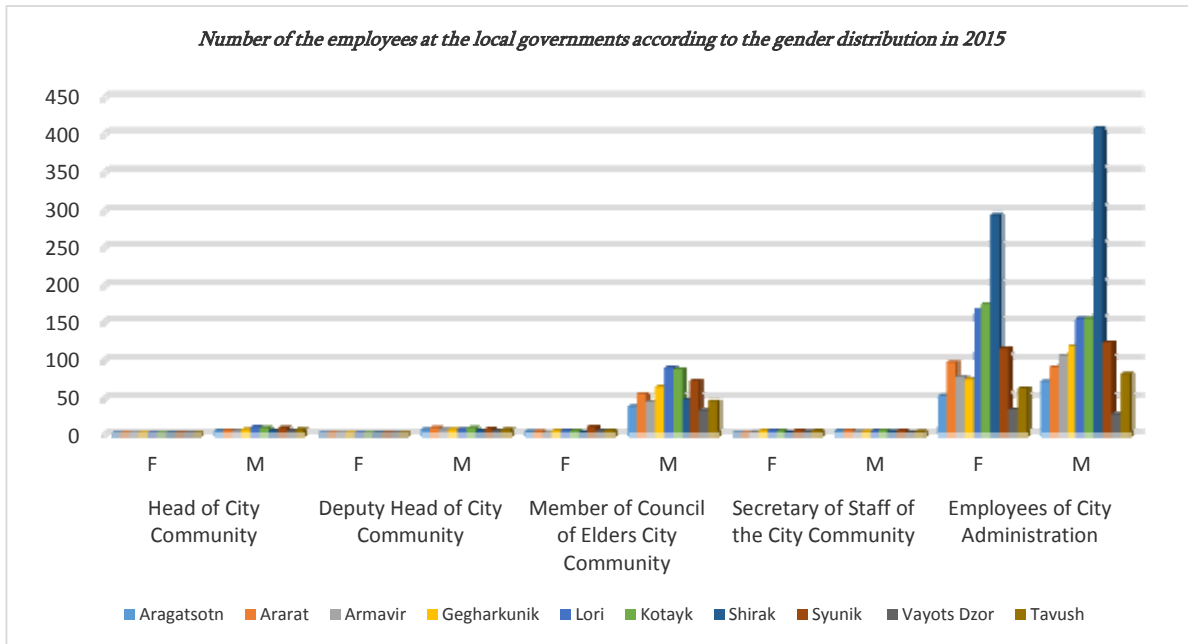
The official statistics about the employees of the regional administrations has been provided by the Governor of Aragatsotn, Aragatsotn on 20.10.2015; Ararat on 22.10.2015, by Governor of Ararat; Armavir on 30.10.2015 by the Governor of Armavir; Kotayk on 21.10.2015 by the Governor of Kotayk; Shirak on 27.10.2015 by the RA Deputy Governor of Shirak, Syunik on 23.10.2015 by the Chief of Staff of the Regional Administration of Syunik; Gegharkunik on 22.10.2015 by the Chief of Staff of the Regional Administration of Gegharkunik; Vayots Dzor on 20.10.2015: by the Governor of Vayots Dzor and Tavush on 22.10.2015: by the staff of the Regional Administration of the RA Tavush Region.



As we can see there is no woman among the RA regional governors. Only 2 out of 24 regional deputy governors are women. 2 out of 10 chiefs of staff of the regional administrations are women. Thus, there is a serious problem of women's representation in the leadership positions of the territorial administrations. There are no problems in relation to the general employees.

Diagram 5 presents the number of the employees at the local governments according to the gender distribution in 2015.³⁰

³⁰ The official statistics about the council of the elders of the municipal communities has been provided by the Ra Ministry of Territorial Administration and Emergency Situations on 11.08.2015. The official statistics about the head, the deputy head, the chief of staff and the employees of the municipality at the municipal communities has been provided by Aragatsotn on 20.10.2015, by the Governor of Aragatsotn; Ararat on 22.10.2015, by the Governor of Ararat; Armavir on 30.10.2015 by the Governor of Armavir; Kotayk on 21.10.2015 by the Governor of Kotayk; Gegharkunik on 22.10.2015 by the Chief of Staff of the Regional Administration of Gegharkunik Shirak on 27.10.2015 by the RA Deputy Governor of Shirak, Syunik on 23.10.2015 by the Chief of Staff of the Regional Administration of Syunik; Vayots Dzor on 20.10.2015: by the Governor of Vayots Dzor and Tavush on 22.10.2015: by the staff of the Regional Administration of the RA Tavush Region.

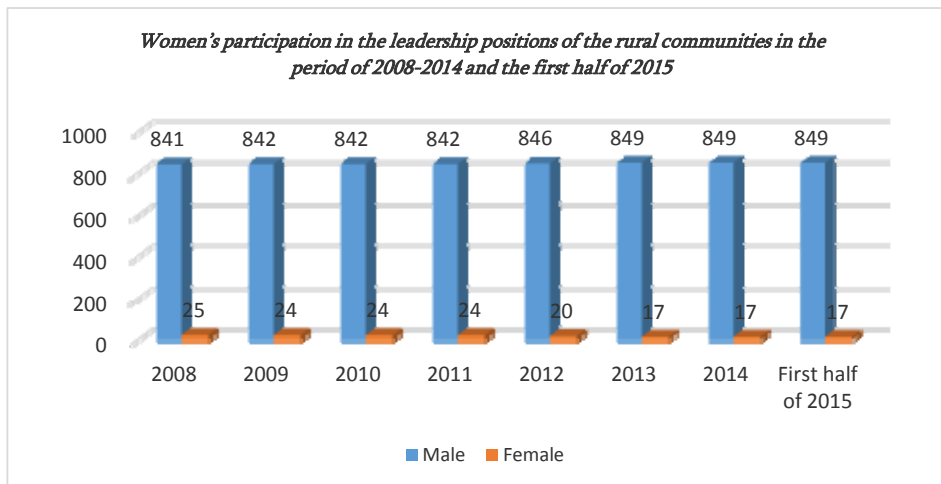


Notably, not only in this year, but also during the last 7 years, there have been no woman governors of the RA municipal communities. As the diagram shows, none of the 52 deputy governors of the municipal communities are women. As of the first half of 2015, there are 5860 members of council of the elders in 915 communities. And notably, there are only 40 women members of councils among the overall 651 members of 49 municipal councils (Including Yerevan City). Thus, women’s representation is low in the municipal local governments.

Since 2008 the existing 866 rural communities have been headed by female governors according to the distribution presented below:

Diagram 6 presents women’s participation in the leadership positions of the rural communities in the period of 2008-2014 and the first half of 2015.³¹

³¹ The official statistics has been provided by the RA Ministry of Territorial Administration and Emergency Situations on 11.08.2015.



The figures presented in the above mentioned diagram are based on the analysis that is carried out by the RA Ministry of Territorial Administration and Emergency Situations at the beginning of every year (the analysis is based on the data provided by the regional administrations). It becomes clear from the analysis of the diagram that women's leadership in communities has been around 2% for years. Moreover, there is a regress of 1% during the 7 years. The latter is an extremely low index.

In connection with the members of the councils of elders in the communities it should be stated that as of the first half of 2015 only 515 of 5209 members of the council of elders of rural communities are women.³² This again is a low index. It is to be stated that the regulations provided by the RA Electoral Code are intended only for the Council of the Elders of Yerevan. RA has ratified The Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority. Pursuant to Article 1 of this protocol, *The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority.* Pursuant to Article 3, *without unfairly discriminating against any person or group, the law may provide particular measures for different circumstances or categories of persons.* The particular measures stand for quotas. It is clear from the foregoing that the legal requirements should be provided not only for Council of the Elders of Yerevan but also for the other councils.

Tamara Abrahamyan mentioned the positive international experience, particularly the fact that in some countries a policy to encourage the use of the quotas is being developed. The absence of such policy is one of the reasons the quotas are not used in the RA. Consequently

³² The official statistics has been provided by the RA Ministry of Territorial Administration and Emergency Situations on 11.08.2015.

Mrs. Abrahamyan recommends developing an encouraging policy for the enforcement of the quota.³³

It is to be stated that Mrs. Jemma Hasratyan also spoke about the lack of necessity and inappropriateness of setting quota standards for women in the executive branch explaining it by the fact that it may limit some men's opportunity in connection with women unworthily holding an office instead of men. A man, who has overcome the threshold set for the competition would have to give up his position to a woman because of the binding quota provided for them.³⁴ According to Mrs. Hasratyan it is necessary to raise the issue before the government authorities, so that before making staff changes they demonstrate vigilance and endeavor to increase the percentage of women.

As it was stated the level of women's participation in the leadership positions of the executive branch is extremely low or 0 (zero). No binding legislative regulations are available, and even in the case of the provided legal demand women's participation among the members of Yerevan Council of the Elders is below the quota. The image is the same in connection with the other councils of the elders. In order to settle the issue it is necessary to study the **international experience**.

The Finnish National Quota Law, (adopted in 1995) requires that among all indirectly elected public bodies (both the national and the local level), representation of neither sex in the governing body can be under 40%.³⁵ From 1993 (before the adoption of the quota law) to 1997 (after the adoption of the quota law), the proportion of women on municipal executive boards increased from 25% to 45%. The quota law also affected gender segregation in local governance: before the passage of the law, there had been a gender imbalance in terms of female overrepresentation in "soft-sector" boards (those associated with health, education, etc.) and female "underrepresentation" in "hard-sector" boards (those associated with economics and technology).³⁶

The French legislation provides that 50 percent of the employees of local governance must be women. The latter is quite a strong index. Taking into consideration the RA mentality it is hard to imagine that such a large number of women would like to participate in the regions. Consequently it is necessary to set a lower threshold.³⁷

³³ An interview conducted with the president of "Araza" NGO Tamara Abrahamyan in the framework of the project "Influencing the Women's Rights Agenda", "The problems of the low level of women's participation", 26 August, Yerevan, 2015.

³⁴ An interview conducted with the president of "The Association of Women with University Education" NGO Jemma Hasratyan, in the framework of the project "Influencing Women's Rights Agenda", "The Problems of Women's Participation in the Executive Branch", August 26, Yerevan, 2015.

³⁵Holli, Anne Maria; Luhtakallio, Eeva; Raevaara, Eeva. "Quota trouble: Talking about gender quotas in Finnish local politics" *International Feminist Journal of Politics* 8.2 (2006).

³⁶Pikkala, S. 2000. 'Representations of Women in Finnish Local Government: Effects of the 1995 Gender Quota Legislation', paper presented at the European Consortium on Political Research Joint Sessions of Workshops, Copenhagen, 14– 19 April.

³⁷ <http://www.quotaproject.org/aboutQuotas.cfm>

In an effort to increase women's participation in politics in India, a 1993 constitutional amendment required that a randomly selected third of leadership positions at every level of local government are reserved for women.³⁸

Rwanda's experience to encourage women's candidacy in local government elections is notable. A triple ballot was used during the 2001 and 2006 local government elections. Voters received a general ballot paper, a women's ballot paper and a youth ballot paper, and had to select one candidate from each ballot paper. This was mainly an effort to make voters comfortable with voting for women and to increase the number of women in local government.³⁹

Poland has adopted a law which stipulates at least 35% gender quota for women, and since then it has resulted in a significant increase in the percentage of female candidates in the lists. 35 percent quota requirement is particularly effective for one party, as the latter has also stipulated an internal rule in connection with the gender hierarchy in the lists. Only this party managed to reach the goal of 35 percent of women in parliament.⁴⁰

PARTICIPATION IN JUDICIARY SYSTEM

Problems

- 1. The index of women's participation as a judge in the judicial system is low:**
- 2. The index of women's participation in leadership positions of the judicial system is 0**

De jure compliance

Pursuant to Part 3 of Article 117 of the RA Judicial Code: *when compiling the list, gender balance shall be taken into consideration. If the number of judges of either sex is less than 25 percent of the total number of judges, then at least five places shall be safeguarded in the list to the candidates of that sex.*

De facto compliance.

The index of women's participation as a judge in the judicial system is low.

³⁸ "Raising Female Leaders, J-PAL Policy Briefcase, April 2012. <http://www.povertyactionlab.org/publication/raising-female-leaders>

³⁹ Abdennebi-Abderrahim, Souad 'Africa Report' – see 'Increasing Women's Political Participation in Liberia: Challenges and Potential Lessons from India, Rwanda, and South Africa' by Samuel Cole

⁴⁰ Fuszara, Malgorzata 'Eastern Europe report'

Diagram 7 presents the gender distribution of male and female judges in Armenia from 2010 to 2014 and the first half of 2015.⁴¹

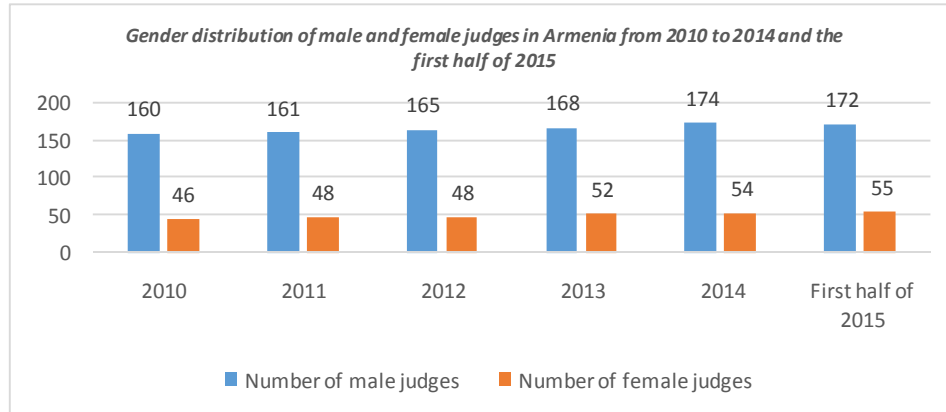


Diagram 8 presents the number of the members of the RA Constitutional Court based on the gender distribution in 2009-2015.⁴²

It is obvious from the statistics represented in Diagram 8 that the targeted amount of 25 percent is likely to be provided during the next year, after which the provision of Article 117 (3) will cease to operate as long as the 25 percent threshold has dropped. Therefore as long as the legislation is not amended the number of women judges is likely to remain 25 percent.

The best European practice⁴³ shows that in 42 countries or jurisdictions the average gender distribution is 51% for men and 49% for women, in other words it is almost equal. Moreover in 22 of that countries women judges form a majority, and it is only in 6 countries that the number of women judges is under 30 percent.

⁴¹ The official statistics has been provided by the RA Judicial Department on 05.08.2015. It is to be stated that in Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014 and on page 116 of Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women there is information available for 2010-2011 which does not coincide with the official statistics of the above mentioned diagram, namely 166 men and 45 women are stated for 2010 and 169 men and 46 women for 2011.

⁴² The official statistics for 2009-2013 are taken from the report "Women and Men in Armenia" published by the National Statistical Service of Armenia in 2014, the official statistics of 2014 -2015 are taken from the website <http://www.concourt.am/armenian/structure/members/index.htm>.

⁴³ CEPEJ Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", p.327

From this perspective in Armenia the increase in the number of women judges from 22 percent to 24 percent is not impressive. The Republic of Armenia occupies the 39th place out of 42 countries. In the higher legal system the number of female students is overwhelming; therefore, there is no shortage of possible candidates for the judiciary.

But there is an increase in the number of the members of the RA Constitutional Court. On 2 August 2014 Alvina Gyulumyan became a member of the Constitutional Court. As a result 2 of 9 members are women. However, both 20 percent participation of women in the RA judicial system and 20 percent participation in the Constitutional Court is a low index.

The index of women’s participation in leadership positions of the judicial system is 0.

It is to be mentioned that Armenia is in a similar situation in the case of women's participation in the governing bodies of the courts. That is, since the establishment of the 3rd Republic of Armenia we haven’t had a chairwoman in any instance court. 0 index is registered only in Andorra and Malta in all over the world.⁴⁴

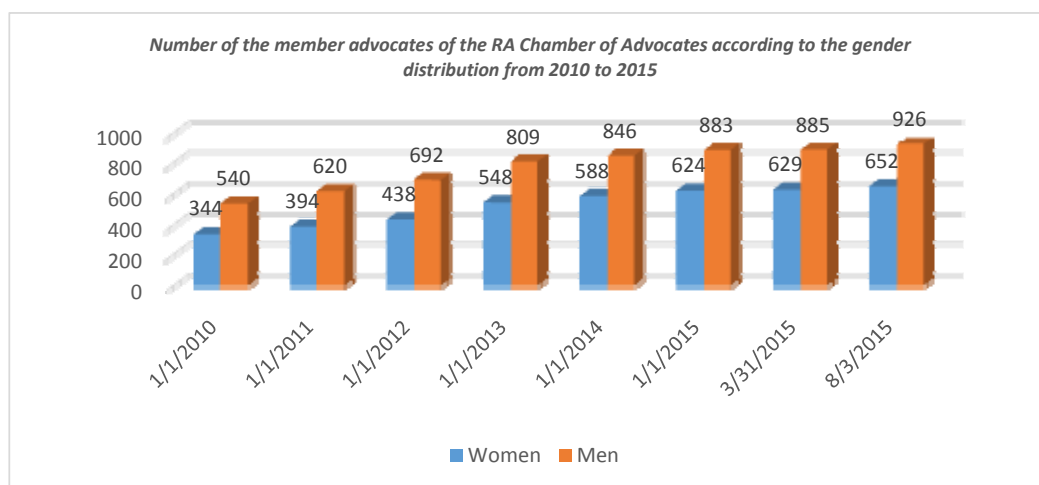
ADVOCATES

De jure compliance

- The Republic of Armenia Law on Advocacy, Article 29, Part 3.

De facto compliance

Diagram 9 presents the number of the member advocates of the RA Chamber of Advocates according to the gender distribution from 2010 to 2015.⁴⁵



⁴⁴ CEPEJ Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice"

⁴⁵ The official statistics has been provided by the RA Chamber of Advocates on 21.08.2015.

Two of the five head officials of the RA Chamber of Advocates, namely the Chief of Staff of the chamber and the Chairman of Public Defender’s Office are women. It is clear from the above mentioned that women advocates are sufficiently represented in the Chamber of Advocates and in the management staff.

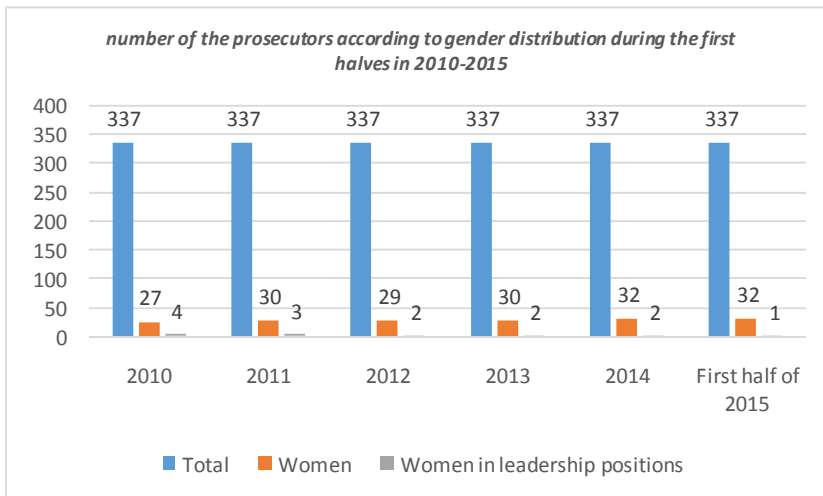
PARTICIPATION IN THE RA LAW ENFORCEMENT BODIES

PARTICIPATION IN THE PROSECUTION SERVICE

Problems.

1. The index of women’s participation in the prosecution service is low.
2. The index of women’s participation in leadership positions of the judicial system is not only low but also there is a regress.

Diagram 10 presents the number of the prosecutors according to gender distribution during the first halves in 2010-2015.⁴⁶



PARTICIPATION IN THE INVESTIGATIVE COMMITTEE

Problem

1. The index of women’s participation in the Investigative Committee is low.
2. The index of women’s participation in leadership positions of the Investigative Committee is low.

⁴⁶ The official statistics has been provided by The RA Prosecution on 10.08.2015.

As of the first half of 2015 a total number of 664 people are employed in the RA Investigative Committee, out of which 542 hold an inspector's position. Among them 34 are women, two of whom hold leadership positions.⁴⁷

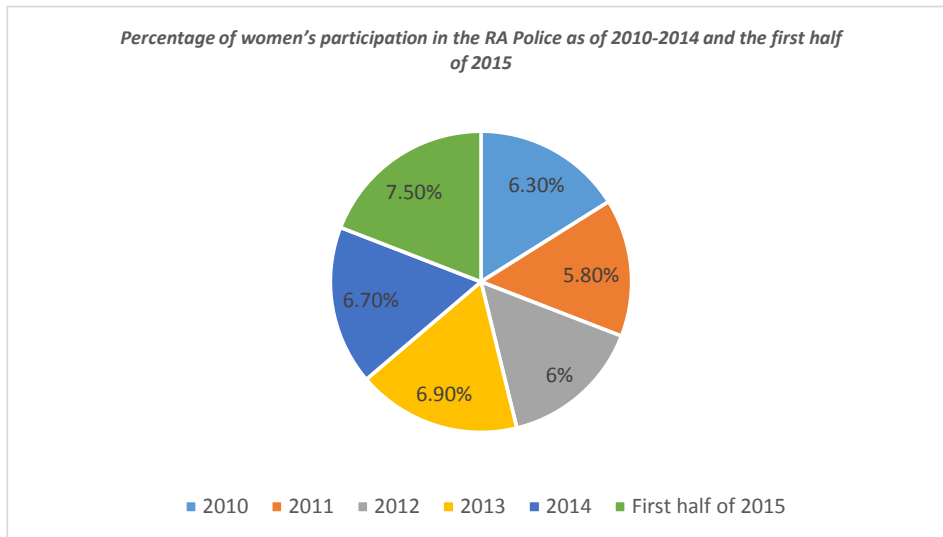
PARTICIPATION IN THE RA POLICE

Problem

1. The index of women's participation in the Police is low.

The percentage share of women police officers serving in the RA Police according to the years is the following:

Diagram 11 presents the percentage of women's participation in the RA Police as of 2010-2014 and the first half of 2015.⁴⁸



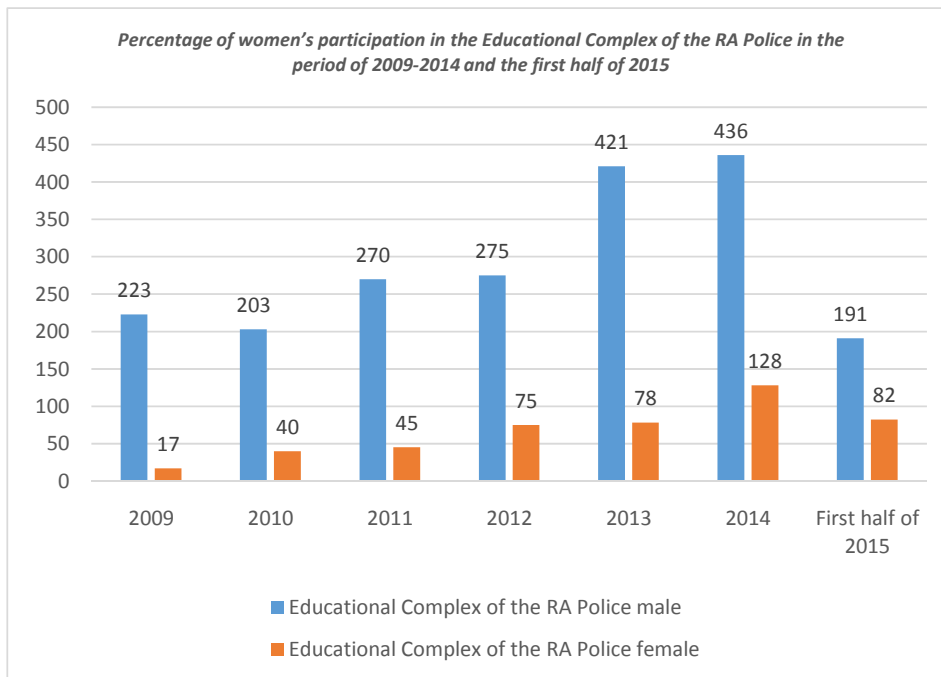
The analysis of the above mentioned diagram shows that there is progress in this field. It should also be mentioned that there is progress in the number of women admitted into the Educational Complex of the RA Police. Within the framework of the reforms implemented in the Educational Complex of the RA Police since 2010, the quota has been removed, as a result of which women's representation in the complex has increased.

Diagram 12 presents the percentage of women's participation in the Educational Complex of the RA Police in the period of 2009-2014 and the first half of 2015.⁴⁹

⁴⁷ The official statistics has been provided by the RA Investigative Committee on 10.08.2015.

⁴⁸ The official statistics has been provided by the RA Police on 11.08.2015.

⁴⁹ The official statistics has been provided by the Educational Complex of the RA Police on 02.11.2015.



As of 4 August 2015, the number of the operating non-governmental organizations registered in the State Register of Legal Entities of the RA is 4284, the founders of 37.4 percent of which are women and the executive directors of 41 percent of which are women.⁵⁰ This is quite a high figure.

ARTICLE 8. Ensuring to women, on equal terms and without any discrimination, the opportunity to represent their Governments at the international level.

The instructions of the Committee on the Elimination of Discrimination against Women regarding combined third and fourth periodic reports of Armenia.⁵¹

The Committee calls on the State party to increase women’s participation in political and social life, including international levels.

Combined fifth and sixth periodic report on the implementation of the Convention by the Republic of Armenia states the following:⁵²

⁵⁰ The official statistics has been provided by State Register Agency of the RA Ministry of Justice on 06.08.2015.

⁵¹ Concluding observations of the Committee on the Elimination of Discrimination against Women/Forty-third session, 19 January-6 February 2009. CEDAW/C/ARM/CO/4/Rev.1 /, Point 29.

⁵² Appendix 1 of Protocol Resolution No 42 of the RA Government taken on 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, page 37.

The Republic of Armenia widely promotes the participation of women specialists in various international meetings and conferences, and the number of women employed in the international organizations operating in Armenia is greater than that of men. At the same time, the Ministry of Foreign Affairs of Armenia is consistent in increasing the number of women diplomats. Currently, three female ambassadors are employed in the diplomatic service of Armenia.

It should be mentioned that the report states that the Ministry of Foreign Affairs of Armenia is consistent in increasing the number of women diplomats and has increased the number of female students studying at the Diplomatic School. But the Ministry of Foreign Affairs has not performed any visible changes, as there are only 3 women employed among the RA 50 ambassadors and permanent representatives.⁵³

Problem.

- 1 **Women’s participation in the position of the RA Ambassadors and Permanent Representatives is extremely low.**

De jure compliance

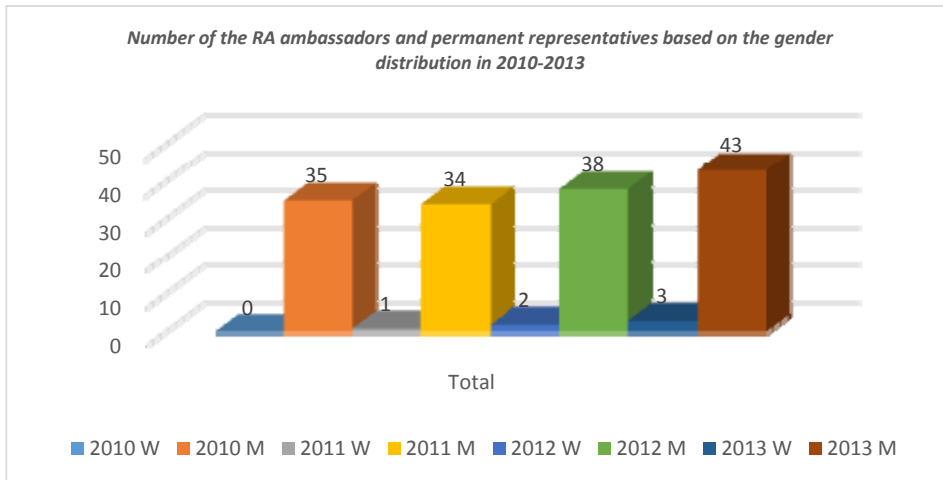
- The Republic of Armenia Law on diplomatic Service, Article 20.

De facto compliance

Diagram 13 presents the number of the RA ambassadors and permanent representatives based on the gender distribution in 2010-2013.⁵⁴

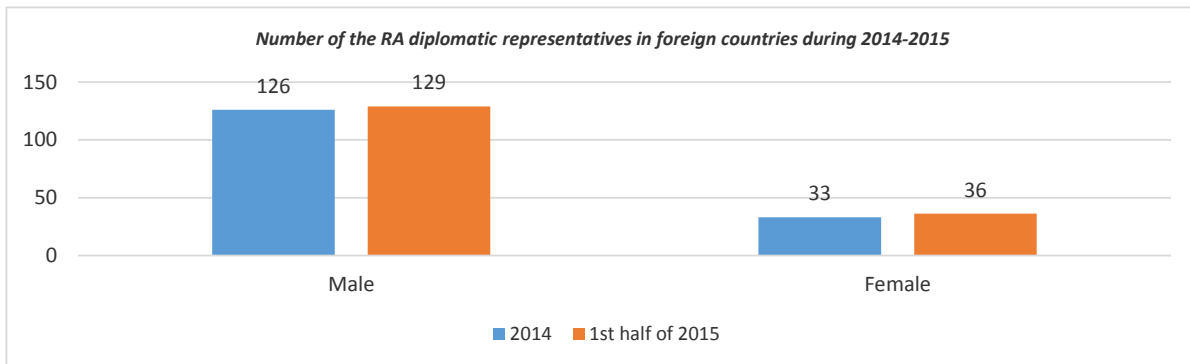
⁵³The official statistics has been taken from the website <http://www.mfa.am/hy/by-countries/> .

⁵⁴ The official statistics has been taken from the report “Men and Women in Armenia” published by National Statistical Service of Armenia in 2014. It is to be stated that in Appendix 1 of Protocol Decree No 42 of the RA Government taken on 9 October 2014 and in Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (page 118) there is information available for 2012 but the data do not tally as 1 female ambassador or permanent representative of RA is mentioned there.



Currently there are 449 diplomats and administrative workers involved in the RA Diplomatic Missions and Consular Offices in foreign countries and in the RA permanent representations of international organizations. In The Foreign Ministry women make up 40 percent of total employees of the system.⁵⁵ Thus, the level of women’s participation is not low among the total number of employees, but it is low in the leadership positions.

*Diagram 14 presents the number of the RA diplomatic representatives in foreign countries during 2014-2015.*⁵⁶

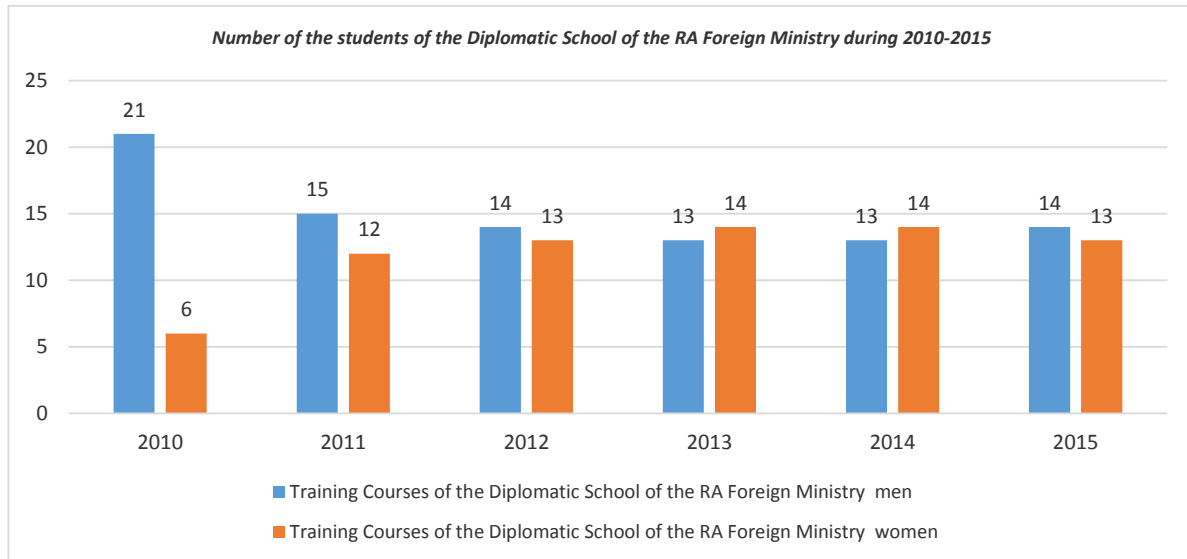


However, there is a positive tendency in relation to the number of female students in the RA Diplomatic School.

⁵⁵ The official statistics has been provided by the RA Ministry of Foreign Affairs on 11.08.2015.

⁵⁶ The official statistics has been provided by the RA Ministry of Foreign Affairs on 21.10.2015.

Diagram 15 presents the number of the students of the Diplomatic School of the RA Foreign Ministry during 2010-2015.⁵⁷



ARTICLE 9. Ensuring to women equal rights with men to acquire, change or retain their nationality.

In the concluding observations of the Committee on the Elimination of Discrimination against Women regarding combined third and fourth periodic report of Armenia there is no reference to this article

De jure compliance

- The Law of the Republic of Armenia on Citizenship of the Republic of Armenia, Article 6.
- The Law of the Republic of Armenia on Citizenship of the Republic of Armenia, Article 16.

De facto compliance

In general, there is no issue of de facto compliance; the only issue is that the level of women’s awareness of the legal regulations is low.

ARTICLE 10. Elimination of discrimination in the field of education.

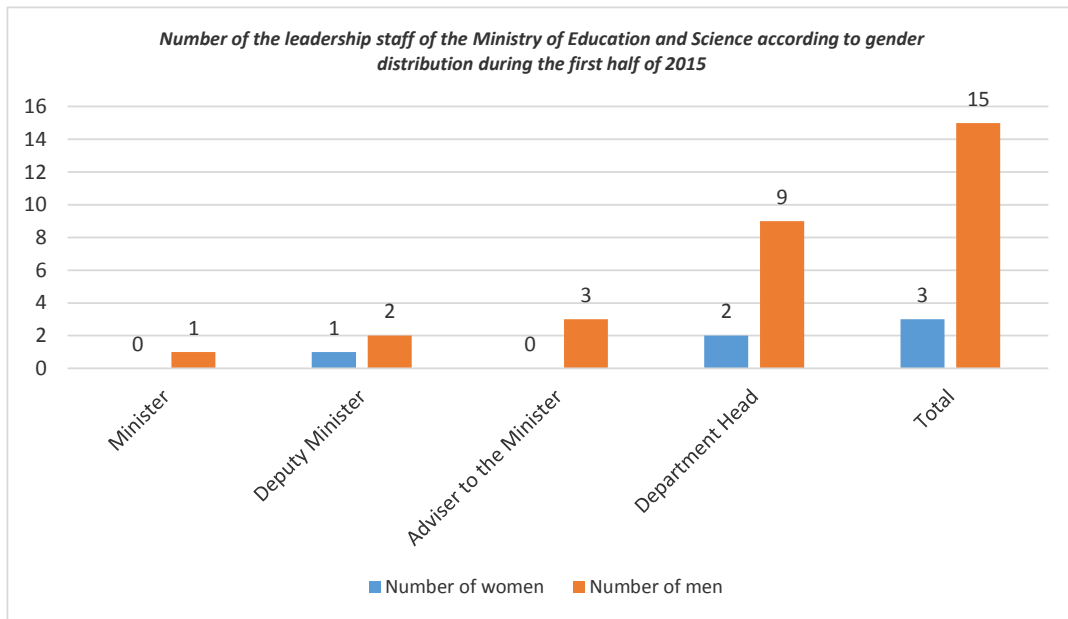
According to national statistics for 2013, girls form 48.5% of those in elementary education and 47.9% of those in general secondary education. However, this is line with

⁵⁷The official statistics has been provided by the RA Diplomatic School on 15.10.2015.

demographic statistics: girls form less than half of the population in the age groups 0-4, 5-9 and 10-14, and only slightly more in the age group 15-19. Figures for attendance in middle vocational and higher education show female students in the majority with 53.3% and 52.4% respectively. However, in the post-graduate system in 2013, women constituted only 30.5% of “aspirantura” degree holders, and only 12.4% graduated with “doktorantura” degrees⁵⁸.

The position of women in policy-making in the education sector is very weak.

Diagram 16 presents the number of the leadership staff of the Ministry of Education and Science according to gender distribution during the first half of 2015.



In addition, bearing in mind the comparatively weak position of women in post-graduate studies, it is interesting to note the department of higher and post-graduate education consists of two divisions, and that the head of the department and both the heads of the divisions are men. Such situation is very disappointing, considering the dominance of women among teaching staff in the primary and secondary education systems.

ARTICLE 11. Elimination of discrimination against women in the field of employment.

In the Combined fifth and sixth periodic report on the implementation of the Convention by Armenia in relation to Points 32-33 of the observations of the Committee it is only mentioned that the commitments undertaken under the above-mentioned Article shall be

⁵⁸ Men and women in Armenia, National Statistical Service, Yerevan, 2014:

regulated by the Labor Code of the Republic of Armenia, in particular, by Articles 3, 4, 114, 141, 172, 173, 243, 258 of the Code.⁵⁹

That is, the report doesn't mention anything in relation to the following observations prescribed by Point 33 of the Committee:

- To adopt policies and concrete legislative measures to accelerate the eradication of employment discrimination against women and to work towards ensuring **de facto equal opportunities at all levels for women in the labor market.**
- Including to take all effective measures **against sexual harassment against women in the workplace**
- To develop **job evaluation systems** based on gender sensitive criteria with the aim of closing the existing wage gap between women and men and **implementing pay equity**
- **To make greater use of temporary special measures** by applying numerical goals with timetables or quotas in respect of women's access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector.⁶⁰

De jure compliance

- The Labor Code of the Republic of Armenia, Article 3, Parts 1, 3, Article 178, Part 3, Article 180, Part 3, Article 243, Part 1, Article 141, Part 1 (point 3), Article 144, Part 4, Article 148, Part 4, Article 114, Points 2.1 and 2.2, Article 172, Part 1, Article 173, Part 1, Article 176, Part 1 (point 1) and Article 258.
- Ratification of the Convention on "Equal Pay for Work of Equal Value for Men and Women".
- "The Procedure of Quality Testing of Public Employees of the Republic of Armenia" Government Resolution N 165.
- The Republic of Armenia Law on Temporary Disability and Maternity Benefits, Article 11.
- The RA Criminal Code, Articles 140 and 156.
- The RA Law on Public Service, Article 3, Part 1 and Article 20.
- The RA Law on "Provision of Equal Rights and Opportunities for Women and Men", Article 13, Part 3
- Other legal acts.

⁵⁹ Appendix 1 of Protocol Resolution No 42 of the RA Government taken on 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, Page 51.

⁶⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women/Forty-third session, 19 January-6 February 2009. CEDAW/C/ARM/CO/4/Rev.1 /, Point 32.

*De facto compliance
Problems*

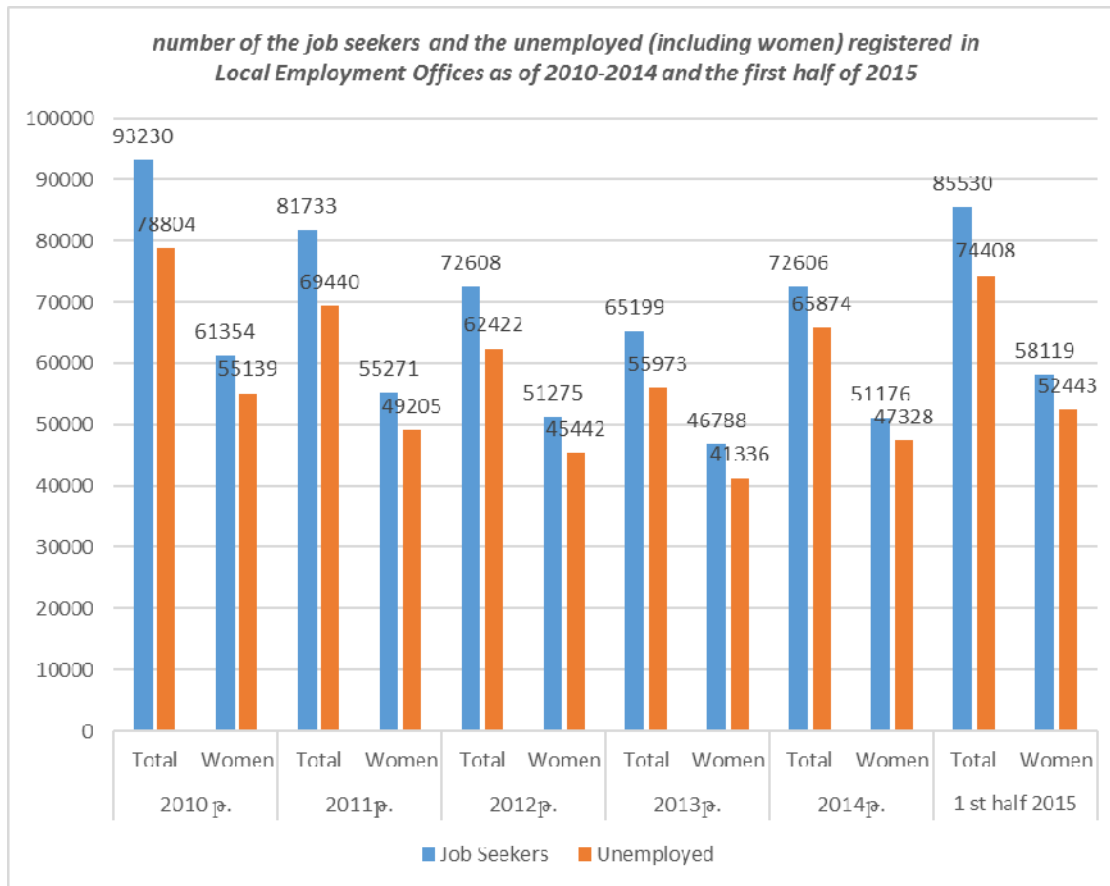
1. A majority of the unemployed are women.
2. The prohibition provided by law on termination of the employment contract with pregnant women or women taking care of a child under the age of one on the part of the employer is intended only for contracts concluded for an indefinite period.
3. The commitment on prohibiting dismissal on the basis of marital status undertaken under the Convention is not prescribed by the RA Legislation.
4. There still exists the problem of sexual harassment by the employer, there is no legislative regulation
5. The level of women's participation in boards of business companies is low, there are no legislative regulations.
6. The state does not encourage the provision of the necessary social support services to enable the parents to combine family obligations with work responsibilities and participation in public life.
7. The leave granted to a husband of a woman on pregnancy and maternity leave, as well as a husband of a woman on leave for taking care of a child under the age of one at the request of the employee is unpaid.
8. The salaries are not equal for men and women despite the requirement prescribed by law.
9. Women employees mainly hold junior positions and male employees hold senior positions
10. Women have no mechanisms for the protection of their violated rights.

Most of the unemployed are women

In response to the question "in what sectors of social life does the equality of men and women become more vulnerable?" Gagik Hayrapetyan claimed that it is visible in all sectors, however he considered the labor sector as the most vulnerable one, as according to him if we follow the statistics we can see that more than half of the unemployed in our country are women.⁶¹ It should be mentioned that employment of the population is still a problem in the Republic. Moreover, most of the unemployed are women.

⁶¹ An interview conducted with the Executive Representative of the Armenian Office of the United Nations Population Fund (UNFPA) Garik Hayrapetyan in the framework of the project "Influencing the Women's Rights Agenda", "Issues of equality between men and women", 26 August, Yerevan, 2015.

Diagram 17 presents the number of the job seekers and the unemployed (including women) registered in Local Employment Offices as of 2010-2014 and the first half of 2015.⁶²



Thus, despite the programs implemented by the government to solve this problem⁶³, namely the creation of new vacancies for women, the level of women’s unemployment has not decreased.

However the lack of jobs is not the only reason for the high percent of unemployed women and job seekers, but discrimination in employment. The gender analysis of the unemployment reveals the importance of age and marital status. Young women, who are not married yet, moreover who have a boyfriend and are engaged already, are denied a job simply because there is a high probability that they will get married, have a baby, the employee will have to provide a leave and pay pregnancy and maternity benefits, in addition they will take care of their babies and will not be able to make professional progress without interruption. This is a practical problem, and there are no direct prohibitions provided by law as well.

⁶² The official statistics has been provided by the State Employment Agency of The Ministry of Labor and Social Affairs on 12.10.2015.

⁶³ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, pages 52 - 55.

In addition, women of 40-44, 45-49 and 50-54 age groups are twice more prone to the risk of unemployment and poverty. Men and the women who have never been married are equally enrolled among full-time employees, whereas among the part-time employees who are married, divorced or lost their husband (wife), women make up to 58%, 73% and 83% respectively. Women's share is extremely large in those people who have become unemployed because of family circumstances (88%). The high percentage of women among unemployed persons with one-year status is also concerning (more than 80%).⁶⁴

Furthermore, **everyone has the freedom to choose his/her job prescribed by law and not a right to work.** In this respect, advocate Marat Atovmyan, Expert in Labor Law thinks that in the terms of the European Social Charter the country will undertake to run such an economic policy that will promote the employment of population and will protect the rights of the employees. As the majority of the unemployed are women and they face discrimination in employment more often the amendment of the above mention norm will directly affect them.⁶⁵

In response to the question what measures are to be taken to ensure that employers do not avoid concluding labor contracts with women and to resolve the situation, advocate Gevorg Petrosyan, Expert in Labor Law⁶⁶ noted that he would suggest the labor code should stipulate that employers explain the rejection of a claimant's employment in written form, mentioning the exact ground. For example, in Russia there is a provision in the Labor Code according to which the citizen has the right to make a legal claim in order to appeal the rejection if he thinks that the rejection is groundless. The lawyer believes that we can introduce such a provision that will oblige the employer to reason the refusal to conclude a contract.

The prohibition provided by law on termination on the part of the employer of the employment contract with pregnant women or women taking care of a child under the age of one is intended only for contracts concluded for an indefinite period.

It is to be stated that the above mentioned regulation does not apply to fixed-term contracts. Pursuant to Article 109, Part 1 (point 2) of the RA Labor Code *the employment contract shall be rescinded in case of expiry of the contract.* Practically employers are very often reluctant to renew contracts on the ground of pregnancy of women.

As it was stated the regulation does not apply to fixed-term contracts. However, on 19 October 1992, the EU Council adopted Directive 92/85 / EEC on the introduction of measures

⁶⁴ An alternative report on the CEDAW implementation in Armenia from 2009 to 2012 published by The Association of Women with University Education, page 73.

⁶⁵ An interview conducted with the advocate Marat Atovmyan, Expert in labor law in the framework of the project "Influencing the Women's Rights Agenda", "Ways of overcoming Discrimination against Women in Employment", August 18, Yerevan, 2015.

⁶⁶ An interview conducted with the advocate, Gevorg Petrosyan, Expert in labor law in the framework of the project "Influencing the Women's Rights Agenda", "Ways of overcoming Discrimination against Women in Employment", August 18, Yerevan, 2015.

to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. And pursuant to Article 10 of that order *Member States shall take the necessary measures to prohibit the dismissal of workers during the period from the beginning of their pregnancy to the end of the maternity leave.*

In the case Jimenez Melgar vs. Ayuntamiento de Los Barrios, the national court raised the question whether Article 10 of Directive 92/85 / EEC prohibits employers' refusal of renewing fixed-term contracts concluded with employees. In response to the raised questions the Court of Justice of the European Union stated that the prohibition of dismissal laid down in Article 10 applies to both employment contracts for an indefinite period and fixed-term contracts; non-renewal of such a contract, when it comes to an end as stipulated, cannot be regarded as a dismissal prohibited by that provision. However, where non-renewal of a fixed-term contract is motivated by the worker's state of pregnancy, it constitutes direct discrimination on grounds of sex, contrary to Article 2(1) and 3(1) of Council Directive 76/207/EEC.

The EU adopted the above mentioned directive on 9 February 1976, which is about the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. Pursuant to Article 2 (1) *the principle of equal treatment must presuppose prohibition of discrimination on grounds of sex both directly and indirectly particularly with reference to the husband or marital status.* Pursuant to Article 3 (1) the application of the principle of equal treatment presupposes *prohibition of discrimination including selection criteria for all jobs and positions regardless of the business or sector and all levels of professional supervision.*

The commitment on prohibiting dismissal on the basis of marital status undertaken under the Convention is not prescribed by the RA Legislation

Armenia has also ratified Revised European Social Charter, and according to Article 24 Part 3 (d) entitled "Termination of Employment", *race, color, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin are not valid reasons for termination of employment.*

Thus the prohibition of terminating an employment contract by the employer on grounds of marital status is stipulated in another international contract which has been ratified by the Republic of Armenia as well; therefore the violation of the above mentioned is considered non-fulfillment of the commitment undertaken under the contract by RA.

There still exists the problem of sexual harassment by the employer: there is no legislative regulation

Sexual harassment is not considered a problem and the women subjected to sexual harassment in their workplace have no legal protection at all.

The regulation prescribed by the RA Criminal Code, provides punishment only for sexual intercourse or sexual activities, and the legal enforcement of the article does not cover such sexual harassments as making inappropriate proposals in the workplace.

In addition, this article can be interpreted in a narrow sense, e.g. to prescribe liability for sexual intercourse or sexual acts committed by the immediate head only, and the other heads of the same workplace or colleagues and even clients will not be considered subjects of that article when making sexual harassment.

The journal Daily Telegraph has carried out statistics in Russia, which has revealed that 100 percent of women working in Russia have been subjected to sexual harassment by their directors, 32 percent has mentioned that they have had sexual intercourse with them at least once and 7 percent has complaint that they have been raped.⁶⁷ While according to the official report in 2013-15 there were no complaints regarding sexual harassment against women in the workplace in the Republic of Armenia. However this does not imply that such cases are completely excluded in our reality, but it is rather based on the mentality that women would find it more appropriate to remain silent.⁶⁸

Pursuant to Article 26 of Directive 2006/54 / EC of the European Parliament and of the Council of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation *member states shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.*

The USA legislation prohibits sexual harassment and from the point of view of labor relations a harasser may be the victim's director, the director of another field, a colleague or another person who is not the employee of the employer, e.g. a client.⁶⁹

According to the legal act of 2 November 1992, French legislation also prohibits sexual harassment in the workplace. The legislative body adopted that legal act on 27 May, 2008. The latter has adopted the prohibition based on the Directive of 23 September 2002, which reformed Council Directive 76/207 / EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

⁶⁷ Blomfield, Adrian (29 Jul 2008). "Sexual harassment okay as it ensures humans breed, Russian judge rules". The Daily Telegraph. Retrieved 09 09 2015

⁶⁸ The official information has been provided by State Health Inspectorate on 21.10.2015.

⁶⁹http://www.eeoc.gov/laws/types/sexual_harassment.cfm

According to Greek legislation, sexual harassment in the workplace is a type of gender discrimination on grounds of sex. Victims are even entitled to compensation.⁷⁰

The level of women's participation in boards of commercial companies is low, there are no legislative regulations.

There are no quotas to ensure women's participation in the boards of commercial companies. A number of states have already taken measures in this direction.

In 2003, Norway became the first state in the world to impose a gender quota which requires that at least 40% of board members of public limited companies are women. Other countries including France, Spain and the Netherlands followed that pattern.

From 2016, a law will function in Germany, according to which large companies will be obliged to allocate 30% of their seats on non-executive boards to women. New quotas will be applied to more than 100 listed companies that have employee representation on their supervisory boards. The next 3500 medium companies have to decide at their discretion how to distribute quotas for seats in the executive and supervisory boards.⁷¹

The state does not encourage the provision of the necessary social support services to enable the parents to combine family obligations with work responsibilities and participation in public life.

Most of the kindergartens in the Republic of Armenia are fee-paying. Only in Gegharkunik Region 8 out of 42 kindergartens under the jurisdiction of communities are free of charge, and in Syunik Region only the pre-school educational institution under the jurisdiction of Kajaran Copper Molybdenum Combine is free of charge.⁷²

It should be noted that the RA Government has adopted the RA Law on “Breastfeeding Promotion and Baby Food Circulation” and pursuant to Article 10 of the law *a breastfeeding women has the right:*

- 1) *To have appropriate condition for breastfeeding in workplaces, penitentiaries, healthcare organizations and in other public places.*
- 2) *To receive information on the advantages of breastfeeding, as well as on healthy and safe feeding of infants and young children.*
- 3) *To receive free medical consultation concerned with breastfeeding support.*

⁷⁰Law 3488/2006 (O.G.A.'191).

⁷¹ <http://uk.reuters.com/article/2015/03/06/uk-germany-women-quotas-idUKKBN0M214W20150306>

⁷² The official statistics has been provided by the governor of Aragatsotn on 20.10.2015, in the Syunik region by the chief of staff of the Syunik Regional Administration on 23.10.2015: in the Gegharkunik Region, by the chief of staff of Gegharkunik Regional Administration on 22.10.2015.

However as the analysis of the above mentioned article reveals, the regulation is strictly general and does not provide any essential social service.

The leave granted to a husband of a woman on pregnancy and maternity leave, as well as a husband of a woman on leave for taking care of a child under the age of one at the request of the employee is unpaid.

Ms. Hovhannisyan mentioned the experience of Germany as an example of international best practice, which is considered one of the countries with the best experience in the protection of women rights. The legislation of that country stipulates special provisions according to which men are expected to be paid extra wages to tackle the issue of taking care for children. Thus, women will be able to fulfill their work duties without obstacles.⁷³ Though the legislation in our country provides such a leave, but it is unpaid, and spouses are not interested in using this leave.

Salaries are not equal for men and women despite the requirement prescribed by law.

In this connection there is equality provided by law, but de facto men's salary is higher than women's salary. In 2012 the average monthly net income of women was 59% of men's income, and the average monthly salary was 64.4% of men's salary. Indeed, in the last decade, this index has had positive progress as in 2003 the women's average salary was 42% of men's salary. But in fact there still exists both vertical (non-equal access to career promotion) and horizontal (according to professions and sectors) discrimination against women's working activities. The gap in men's and women's salary is based on women's engagement in low-paid jobs or sectors (health care, education, science, culture).

The horizontal dispersion existing in the employment sector is often explained by the preferences of the two genders. However the vertical discrimination is much more intolerable. Even in the branches of economy with "feminine" character in the Republic of Armenia, women's average salary is significantly lower than that of men, although women's educational or professional qualifications are even higher. This is clearly manifested in the healthcare, insurance, finance and other systems in which the operating institutions and their units are mainly headed by men. Thus, the total number of the doctors in the country is 13180, of which 8770 are women (66.5%). However among the heads of existing 97 medical centers the number of women is 14 (15%). If we take into consideration the fact that on the lower level of general medical staff (nurses, caregivers, orderlies, etc.) almost all the workers are women, it will

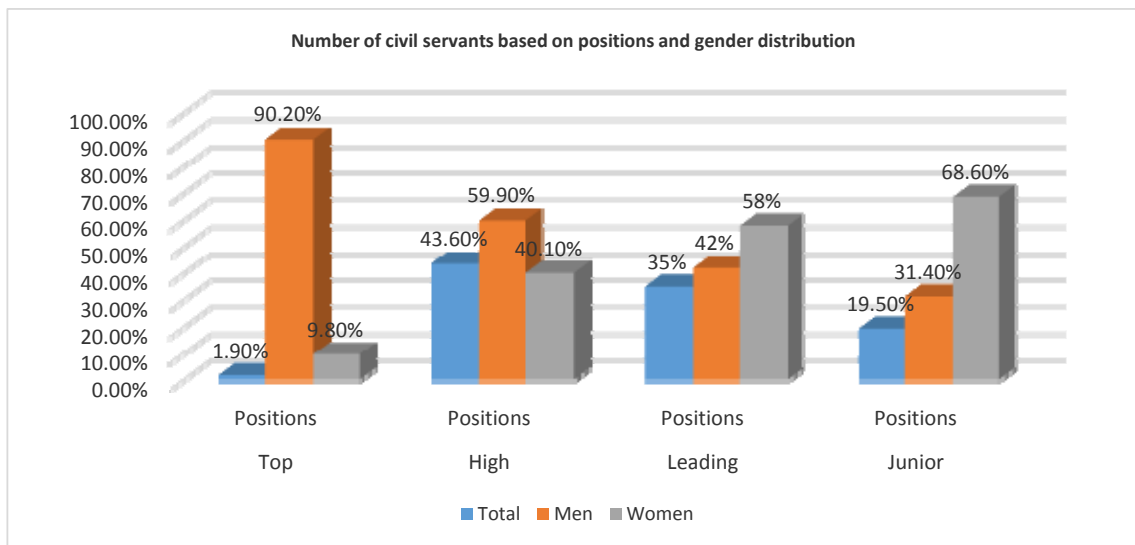
⁷³ An interview conducted with the RA Minister of Justice Arpine Hovhannisyan in the framework of the project "Influencing the Women's Rights Agenda", "The Issues of Women's Participation in the Legislative System", August 28, Yerevan, 2015.

become clear that as a whole, income gender differences are extremely large in the health care system.

Gender stratification in the employment sphere is also based on the type of property. The situation that exists in the healthcare system is quite typical for all sectors. Only the head of one of the 15 private medical centers is a woman. In the public sector of the economy where wages are noticeably lower compared to wages in the private sector, the number of women employed there is more than the number of men, although the larger part of leadership positions are held by men. These facts are nothing more than hidden forms of discrimination in sectors of employment and wages.⁷⁴

Women employees mainly hold junior positions and male employees hold senior positions:⁷⁵

Diagram 18 presents the number of civil servants based on positions and gender distribution.



⁷⁴ An alternative report on the CEDAW implementation in Armenia from 2009 to 2012 published by The - Association of Women with University Education, pages 70-71.

⁷⁵ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, page 58.

The above chart shows that the number of women is more in lower positions and they account for 1.9% in higher positions.

Besides, as has been mentioned, among the heads of existing 97 medical centers the number of women is 14 (15%) of which the head of only one of the 15 private medical centers is women, however on the lower level of general medical staff (nurses, caregivers, orderlies, etc.) almost all the workers are women. This statistics again proves that the percentage of women is much higher in low positions than in higher ones.

Women have no mechanisms for the protection of their violated rights.

Very often women do not have appropriate means to apply to court for the protection of their violated employment rights. Advocate Gevorg Petrosyan suggested introducing the Public Defender's Institute for the workers as well for them to have access to the protection of their rights, as most people are not able to apply to court.⁷⁶

ARTICLE 12. Elimination of discrimination against women in the field of health care.

Problems

- 1. Low level of awareness among the women about the reproductive rights and reproductive health, including the adverse effects of abortion.**
- 2. Absence of encouragement mechanisms provided by law in case of birth of a baby girl.**
- 3. Armenia is among the worst countries with a high rate of gender-based abortions.**

De jure compliance

- Constitution of the Republic of Armenia, Article 38
- The Law of the Republic of Armenia “On Human Reproductive Health and Reproductive Rights”,
- Resolution “On the adoption of the National Strategy, Program and Actions Timeframe on Reproductive Health Improvement (2007-2015)”,
- Resolution “On the adoption of the National Strategy and Action Plan on the Child and Adolescent Health and Development (2009-2015)”,

⁷⁶ An interview conducted with the advocate, Gevorg Petrosyan, Expert in labor law in the framework of the project “Influencing the Women’s Rights Agenda”, “Ways of overcoming Discrimination against Women in Employment”, August 18, Yerevan, 2015.

- “Procedure of registration and provision of medical certificates on birth, death and perinatal death.”
- “Prevention of hospital infections, and organization and implementation of anti-epidemic complex measures in obstetrics and gynecological departments” sanitary-epidemiological rules and regulations,
- “Concept of fortification of wheat flour with microelements and vitamins in the Republic of Armenia,”
- Resolution “On the Approval of the Concept of Prevention, Early Detection and Treatment of the Most Common Non Communicable Diseases and the List of Measures Ensuring the Fulfillment of the Concept”
- Resolution “On the Approval of the National Strategy Programs and Actions Timeframe on three diseases leading to the highest mortality: circulatory system (cardiovascular) diseases, malignant neoplasms and diabetes”,
- In 2011 changes were made in the Resolutions 318-N and 748-N of the Government of the Republic of Armenia referring to the examination of the complex health conditions of 14-15-years old boys and 15-years old girls, including the examination of the reproductive system.
- Clinical guide on the organization and provision of medical care in case of abortions.
- Manual on “Efficient perinatal medical aid and care” for obstetrician-gynecologists.
- Training of 30 national trainers on the topic “The Introduction of the Evidence-Based Medicine in Family Planning Services”, a manual for the trainers.
- The Order 2344-A (August 26, 2013) of the RA Minister of Healthcare established and introduced a clinical guide for medical workers, “The Practice of Organization and Provision of Medical Care for Persons Subjected to Sexual Violence”, in practical health care,⁷⁷,
- Other legal acts

De facto compliance

According to the data of the UN Population Fund (UNPF), the sex ratio for the entire world population is 101 males to 100 females. The analysis of the available census data indicates that during the last decades the disproportion of the sex ratio in some countries in Southern Asia, Eastern Asia and Central Asia has increased in favor of boy children. Today, prenatal sex selection leads to inequality of sex ratio among newborns, reaching 110-120 boys per each 100 girls, which proves that there is a demonstration of gender discrimination and preference for having a boy in some countries. This tendency has moved geographically over time: since 1980s

⁷⁷ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, page 58.

to some Asian countries (China, India and South Korea), then in 1990s they are followed by some countries in the Caucasus (Azerbaijan, Armenia and Georgia), and in recent years this tendency is noticed in Montenegro, Albania and Vietnam.⁷⁸

According to the report, *“Sex Imbalances at Birth. Current trends, consequences and policy implications”*, published by the UN Population Fund in 2012, the acceptable sex ratio is the birth of 104-106 boys per 106 girls.

Recommendations of the UN CEDAW Committee to the RA on Article 12

Clauses 34 and 35 of Recommendations

Health care of women, mothers and children at the state level has continuously been and still remains among priority issues for the state and the RA Ministry of Healthcare. Certain work has been done to improve the legislation for women’s health care and development and to ensure equal rights in the field of health care, particularly the decisions made by the RA Government in 2007-2012.⁷⁹

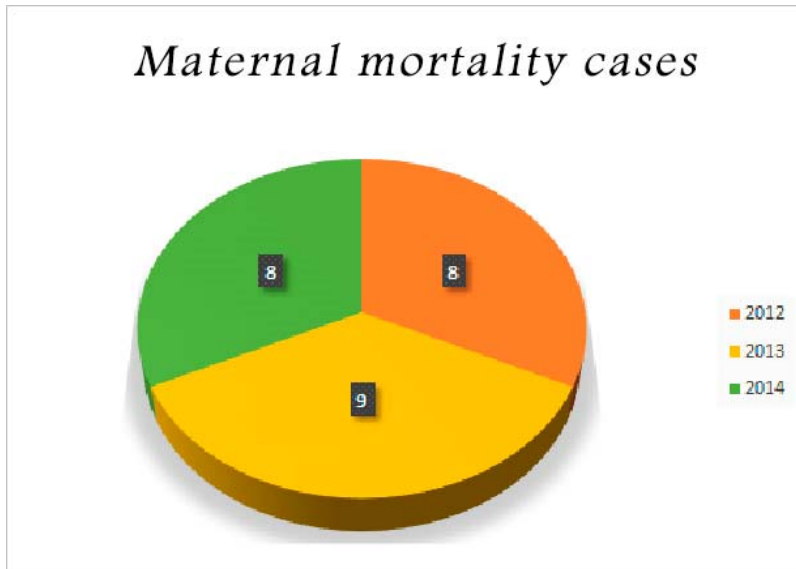
According to the World Health Organization's definition of maternal mortality which operates in Armenia since 1989, maternal mortality ratio is the number of women who die from pregnancy-related causes while pregnant or within 42 days of pregnancy termination per 100,000 live births.

Diagram 19⁸⁰ presents the maternal mortality cases

⁷⁸ UNPF report 2012: “Sex Imbalances at Birth. Current trends, consequences and policy implications”, page 2: <http://www.unfpa.org/sites/default/files/pub-pdf/Sex%20Imbalances%20at%20Birth.%20PDF%20UNFPA%20APRO%20publication%202012.pdf>
<http://www.unfpa.org/gender-biased-sex-selection>

⁷⁹ See detail in Article 12 of this report, De jure compliance section.

⁸⁰ The official statistics is provided by the RA Ministry of Health on 12 August 2015.



It is encouraging that, according to the official data, maternal mortality cases caused by abortions were not recorded.

According to the data provided by the UN Population Fund (UNPF)⁸¹ Representative Office in Armenia, 18 cases of maternal mortality were recorded in Armenia in 2015, and 60 cases in 2008.

At the same time it should be noted that since 1993 the sex ratio of newborns recorded in Armenia has been significantly higher than the accepted biological norms: 110-114 boys per 100 girls. About 800-1000 gender-based abortions occur in Armenia per year. It should be mentioned that there is no formal statistics on selective abortions, and the number above (800-1000) is a calculation, which stems from the sex ratio at birth representing the current situation.

It is obvious that the deviation from the natural sex ratio at birth is a serious demographic threat for Armenia. Thus, the increase in sex ratio at birth has been noticed since Armenia gained independence, and according to the available estimations, sex ratio at birth in 2011 was 114 boys per 100 girls. **This is considered to be one of the world's highest levels of male newborns** and only the levels in China (118) and Azerbaijan (116) are higher.⁸² *The existence of the following three preconditions of gender selection in prenatal period is observed in Armenia: the patriarchal structure of the Armenian society which tends to favor boys over*

⁸¹ An interview conducted with the Executive Representative of the Armenian Office of the United Nations Population Fund (UNFPA) Garik Hayrapetyan in the framework of the project "Influencing the Women's Rights Agenda", "Problems of Sex- Selective Abortions in Armenia", 26 August, Yerevan, 2015

⁸² Christophe Z Guilmoto "The Sex Imbalance at Birth in Armenia: Demographic Data and Analysis" research, Yerevan 2013.

girls; the availability of prenatal technologies which allows the parents to avoid having an undesirable girl along with the possibility of the abortion; and the change in the pairs' reproductive aims due to the low birth rate.:

Table 2 presents the general and female population of Armenia in 2020-2050 by two "Sex Ratio at Birth" Scenarios, according to the research "The Sex Imbalance at Birth in Armenia: Demographic Data and Analysis":

	Normal Sex Ratio at Birth (SRB)			Irregular SRB			Gender Split
	Population	Women	Sex Ratio	Population	Women	Sex Ratio	
2010	3000095	1573966	90.6	3000095	1561118	92.2	-12848
2020	3059086	1612297	89.7	3057581	1588099	92.5	-24198
2030	3035670	1607579	88.8	3022576	1569497	92.6	-38082
2040	2953801	1568725	88.3	2922631	1513808	93.1	-54917
2050	2848264	1514401	88.1	2795095	1441069	94.0	-73332
2060	2682531	1430959	87.5	2602085	1338027	94.5	-92932
<i>Gender Split: contrast of the female population forecasted between the Regular SRB and Irregular SRB scenarios.</i>							

Thus, according to the presented research, the hypothesis of the irregular SRB leads to a general population number (2,602,085) by 80,000 less than the population (2,682,531) provided by the regular SRB scenario.

The adverse effects of the selective abortion for Armenia are very serious. Following the statistics, it is observable that nowadays there are 50,000 more male representatives of the age of 0-22 in our country, which contains great risks. Particularly, when reaching the marriage age, forming a family will be problematic and the boys will leave the country not finding a partner, which in its turn will reduce the number of population, and if that tendency remains, 92,932 girls will not be born in Armenia till 2060, that is, future mothers will not be born which in turn will bring a decrease in the number of population and births in Armenia and increase of migration. Based on the demographic condition, great damage is caused to the maternal base, birth rate improvement in Armenia and in general, to the future of Armenian family. It is worth mentioning that the numerical advantage of boys determines the level of crime in the country.⁸³

⁸³ Interview conducted with the Executive Representative of the Armenian Office of the United Nations Population Fund (UNFPA) Garik Hayrapetyan in the framework of the project "Influencing the Women's Rights Agenda", "Issues of equality between men and women", 26 August, Yerevan, 2015.

Speaking about the state of protection of parturient women and newborns in Armenia, the Head of the Research and Development Department of the International Center for Human Development Vahan Asatryan estimated it as 3 points on a 5-point scale system, which equals to the average estimation level.⁸⁴ The level of women's awareness about the reproductive rights and reproductive health, as well as the adverse effects of abortions is quite low in Armenia, so the expert considers it necessary that the doctor informs the woman about the adverse effects of abortion through a document which must be signed by her.

Thus, Armenia is among the countries with the worst level of sex-based abortions. Those countries are China, India, Azerbaijan and Albania. In order to solve these problems, the RA Ministry of Healthcare is planning to make changes in the RA Law "On the Human Reproductive Health and Reproductive Rights" and the RA Code of Administrative Violations. According to the Drafts, it is planned to subject medical workers (doctors, nurses) to an administrative liability: to impose a fine of 250-350 times the minimum salary in case where the medical worker has provided data in a written or oral form about the future child's sex to the pregnant woman, her family members (husband, sister, brother, father, mother, son) or to a third person. The repetition of the same action during the term of one year after imposing administrative sanctions will cause a double fine.

It is noteworthy that based on the data provided to the Armenian Young Lawyers Association, the RA Ministry of Healthcare announced that the draft laws mentioned above have been principally changed.⁸⁵ The drafts have considerably strengthened the legislative regulations relating to abortions, clarified the issues regarding gender-based abortions, and suggested to impose administrative liability on the medical workers who violate the requirements established by law.⁸⁶

Notably, the new drafts were approved at the session of the RA Government on 2 July, 2015, and were sent to the RA National Assembly.

The same draft establishes administrative liability for the doctor in case of not taking the necessary measures required by law before and after doing the abortion and in case of failure to receive the required documents in cases provided by law. In general, the aim of imposing administrative liability for such actions is ensuring the fulfillment of the provided requirements and preventing procedural violations.

There is a wide network of health organizations in the Republic of Armenia. There are 614 medical obstetrical establishments, 255 medical ambulatory institutions, 80 polyclinics, 101 women consultations and cabinets, 52 medical centers with obstetrical and gynecological

⁸⁴ Interview conducted with the Head of the Research and Development Department of the International Center for Human Development Vahan Asatryan in the framework of the project "Influencing the Women's Rights Agenda", "Issues of selective abortions in Armenia", 27 August, Yerevan, 2015.

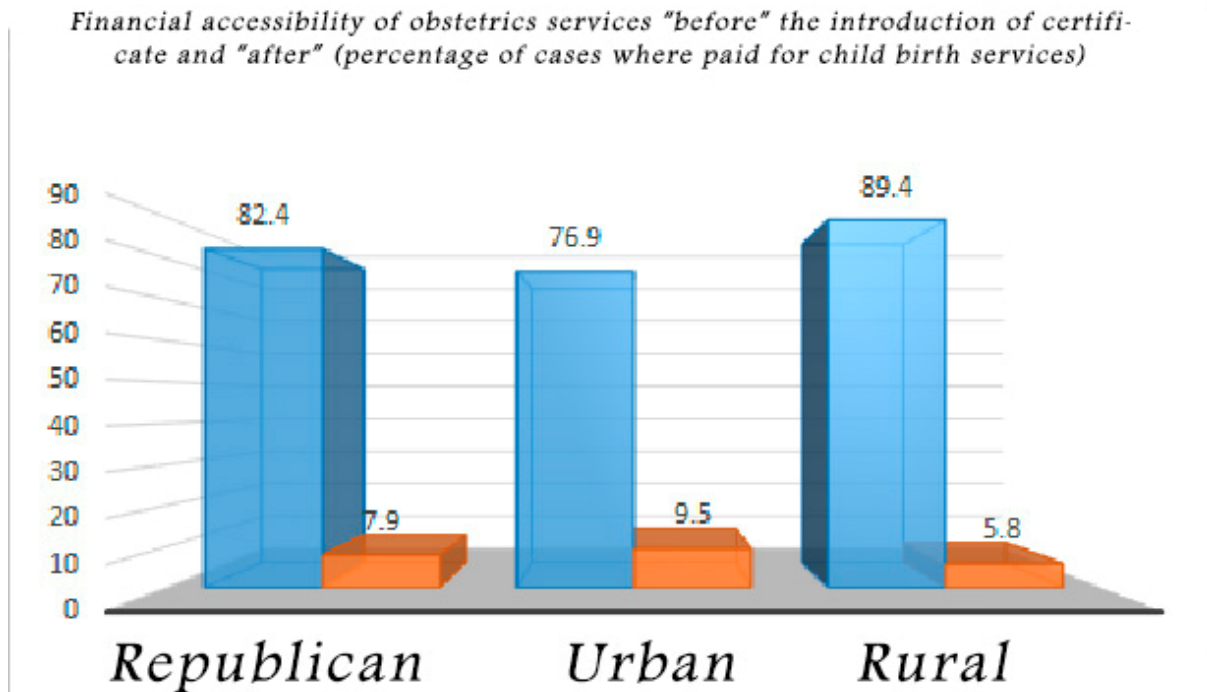
⁸⁵ <http://iravaban.net/98372.html#ad-image-0>

⁸⁶ See the RA Law on making amendment in the RA Law N HO-474-N of 11 December 2002 "On Human Reproductive Health and Reproductive Rights"

medical departments, 11 independent maternity hospitals, 4 in Yerevan and 7 in the regions, in Armenia.⁸⁷

In order to increase the level of availability of the access to the women's reproductive health services, including the access for women in rural and remote areas, the system of State Certificates for free birth attendance was introduced in 2008, which contributes to ensuring the real availability and accessibility of free birth attendance for all layers of the society and to the reduction of official payments made for birth assistance. This is reflected in the report on the Demographic and Health Issues of Armenia (2010).

Diagram 20 presents the financial accessibility of obstetrics services "before" the introduction of certificate and "after" (percentage of cases where paid for child birth services)



ARTICLE 13. Social and economic benefits.

De jure compliance

At the legislative level there is no discrimination in the sectors listed in this article.

⁸⁷ Appendix 1 of Protocol Resolution No 42 of the RA Government of 9 October 2014: Combined fifth and sixth periodic report of Armenia on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, pages 62.

De facto compliance

However, in practice some discrepancies remain, largely due to cultural influences. Specifically:

- Women's right to bank loans and other forms of credit may be compromised by the lack of collateral. In many cases the family home is registered in the name of the male head of the household, and therefore a woman's right to apply for a loan is dependent on the husband or father supplying collateral

We have talked to journalist Astghik Karapetyan trying to find out what discriminations the banks carry out in providing loans to women, especially pregnant ones. According to her, finding out that the loan will be registered under a pregnant woman's name, banks refuse to provide a loan arguing that after taking a maternity leave the woman will not have enough resources to repay the loan. But the discrimination is not reasonable, as each woman on maternity leave (nowadays even unemployed ones) receives a maternity pension of 18,000 AMD each month, which enables her to repay the loan taken from the bank, and moreover, several months after the birth of the child, women return to work. And finally, nowadays women have large opportunities to work from home. As a solution it was suggested to clarify the conditions of loans provided to a pregnant woman and the size of the prepayment.⁸⁸

- Whilst in cultural spheres (e.g. attendance at music, art and theatre schools) women dominate, in sport the picture is the opposite. Statistics regarding women's participation in sport for the period 2011-2013 show that the vast majority of athletics trainers and participants are men.

ARTICLE 14. Elimination of discrimination against women in rural areas.

Problems

1. **Insufficient level of awareness of the rural women on their rights in healthcare, labor and other fields**
2. **Insufficient participation of women in local self-government bodies in rural areas.**

De jure compliance

- UN Resolution 62/136
- RA Law "On Local Self-Government",,

⁸⁸Interview with Ms Astghik Karapetyan, Journalist of Independent professional website "Iravaban.net" in the scope of "Influencing the Women's Rights Agenda" project "Problems of Discrimination against women, especially the pregnant women, by Banks providing loans", Yerevan 2015, August 27.

- Resolution 1476-N of the RA Government,
- Resolution 57-N of the RA Government,
- Resolution 349-N of the RA Government,
- Other legal acts.

De facto compliance.

The head of the Legal Analysis Department of the Human Rights Defender's Office Lusine Sargsyan said that it is problematic for women living in rural areas that there is very little information on reproductive rights. She mentioned as a negative phenomenon the fact that women consider normal the abortions forced by their husbands as they do not know that it is their right. In rural areas women have also problems conditioned by the low level of awareness on labor legal relations.

Women living in rural areas do not enjoy all forms of formal and informal training and education. Lusine Sargsyan mentioned that if we want women to be actively involved both in politics and in social life, they first of all must have a proper education. According to her, one of the reasons is the absence of quota. Women's participation in communities is extremely low. See more details in Article 7.

Community members are informed about the work of their local self-government bodies and introduce their problems to local self-government bodies mostly during informal meeting, as a result not all the residents have the opportunity of meeting the community council members and expressing their attitudes, and not all the problems that the residents are concerned with, become known to the community council. The lack of opportunity of meeting community council members has its adverse effects especially for women who cannot express their attitude and to voice the problems of their concern.

Article 20 of the RA Law "On Local Self-Government" establishes *a duty for community council members to meet periodically with community members and to inform the community voters about the work done by the community council*. Article 12 of the above mentioned law establishes the order of publishing information on the date and place of the community council sitting and draft agenda by the head of the community, which is not performed in a proper way. But there are no legislative sanctions for not performing this action. Thus, according to Part 3, Article 22 of the above mentioned law, *"Powers of the member of a Community Council may be early terminated if: 1) the sitting of the community council was not held for six consecutive months because of the failure to provide the jurisdiction of the sitting by the members of the community council; 2) the community is being reorganized into another administrative territorial unit in accordance with the law."*

Pursuant to Article 12, Part 1, of the RA Law “On Local Self-Government”, at least 7 days before the next regular sitting of the community council, the head of the community publishes information on the date and place of the sitting and the draft agenda. Publishing is carried out in communities through posting them in the community council building, as well as at places accessible for the community members of each area of the community (**at least at one location per 2000 residents**). We consider that spreading information on the regular sitting of the community council at one location per 2000 residents is not really efficient and does not ensure the participation of community members, including women, due to which women do not get an opportunity to express their attitudes and to voice the problems of their concern.

The main problem existing in communities is ensuring transparency and accountability, moreover, not only for the community members but also for all people who are interested. There are no official web sites of communities that would have special sections concerning the women’s rights, which will enable the women to be informed about the orders, directives and other documents referring to them.

ARTICLE 15. Equality of women with men before the law.

Problems

1. The declarative nature of the RA law “On Ensuring Equal Rights and Equal Opportunities for Women and Men.”
2. The inefficiency of the “RA Committee on the Issues of Gender Equality” as a national mechanism.
- 3.

De jure compliance

- Constitution of the Republic of Armenia, Article 14.1,
- The RA Law “On Ensuring Equal Rights and Equal Opportunities for Women and Men”,
- The RA Gender Policy Strategic Action Plan for 2011-2015,
- Resolution N 1152-A of the RA Prime Minister.

De facto compliance

After carrying out a comprehensive research of the sphere it became clear that though it is preferable to implement the corresponding recommendation of the Committee and to adopt the Law “On Ensuring Equal Rights and Equal Opportunities for Women and Men”, however, the latter is declarative by nature. That is, the establishment of the concept of equality between men and women by the RA Constitution was sufficient. Some specialists, such as Garik Hayrapetyan and Astghik Mirzakhanyan, share our opinion.

It should be mentioned that Point 13 of Chapter 3 of the Statute of the RA Council on Affairs of Ensuring Equal Rights and Equal Opportunities between Men and Women in the Republic of Armenia establishes that the Council's activities are organized through sessions, which are summoned by necessity by the Chairman of the Council but not less than once every four months. Thus, the required annual minimum threshold is only 3. The meetings of working groups are also seldom. The last meeting of the working group of the above mentioned committee took place on August 28, the next meeting is scheduled only for December.⁸⁹

Point 5, Chapter 2, of the above mentioned Statute establishes that the task of *the Council is to follow that the provisions set in the RA Law "On Ensuring Equal Rights and Equal Opportunities for Women and Men" are provided, closely cooperating with civil society institutions*. But many of the civil society institutions are not aware of the sessions. Besides, one of the problems is having representatives in the regions. Furthermore, there is no legal act which establishes the criteria for selection of Civil Social Organizations in the above mentioned working groups.

ARTICLE 16. Elimination of discrimination against women in all matters relating to marriage and family relations.

Problems

- 1. De-facto marital relations, failure to record marriage according to the law**
- 2. The alienation of the property acquired during the marriage by one of the spouses.**
- 3. Unregistered income and property of the spouses, which allows one of the spouses who is obliged to pay alimony to avoid paying it.**
- 4. Entering loan commitments as a type of common obligation without the consent of the other spouse.**

De jure compliance

- The RA Constitution, Articles 31, 35
- The RA Family Code
- The RA Civil Code
- The RA law "On Registration of Civil Status Acts"
- The RA Criminal Code, Article 173
- Other legal acts

⁸⁹Protocol 1 of the August 28 meeting of the Working Group.

Article 26 of the RA Family Code establishes that *the relations concerning the joint co-ownership of the spouses are regulated by the RA Civil Code, as well as by the marriage agreement signed between spouses.*

Only the property under one of the spouses' ownership, as well as his/her share in the common property of the spouses may be confiscated for his/her obligations, while the other spouse's property or his/her share in the common property may not be confiscated.

In this context one of the main problems are the loan commitments of the spouses, when the husband takes a loan without the wife's consent, and later in case of failure to pay the loan, those commitments spread over the whole co-ownership property on the claimant's request. It turns out that the woman may be deprived of her proprietary rights against her will.

The term "property acquired by the spouses during the marriage" mentioned in Article 201, Part 1 of the RA Civil Code should be interpreted broadly. That is, it includes not only movables and real estate, but also securities, shares in companies, etc. acquired as a result of entrepreneurial activities

According to the RA Law "On Precious Metals", *gold, silver, platinum and palladium are precious metals.* Therefore, expensive items made of the above mentioned metals are considered joint property.

According to Article 16, Part 2 of the Convention, "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."

On 30 April 2013, the RA National Assembly adopted the RA Law "On Making Changes in the RA Family Code" which established the minimum age of marriage (18), regardless of the person's sex.

Before this change was made, the RA Family Code provided different marriage ages for men and women. Particularly, according to Article 10, Part 1 "Conditions of Marriage Conclusion" provided: "*1. The mutual voluntary consent of a man and a woman and the marital age of them (17 for women and 18 for men) are necessary for marriage conclusion.*"

As a result of making an amendment in this article, ***the legislative body eliminated the discrimination against women concerning the marriage ages of men and women.***

According to Article 9 of the RA Family Code, the marriage is concluded in bodies implementing state registration of civil status acts; The rights and obligations of the spouses emerge after the state registration of marriage.

This norm implies that ***only the marriage registered in bodies implementing state registration of civil status acts is considered legal in the Republic of Armenia,*** therefore the marriage concluded by religious rituals which is considered a tradition in Armenian families may not serve as a legal basis for assuming rights and responsibilities. It can be mentioned that

due to the absence of factual institution of marriage, women face serious problems in the legislative field of the Republic of Armenia.

Unfortunately, today in Armenia, and particularly in remote villages, women are not always aware of operating norms and legislative requirements, therefore, concluding a marriage only by religious rituals, they do not get the right to claim the ownership of the property acquired during the marriage in case of divorce. At this point, it is very important for the citizens to receive information on their rights and their consequences during different public campaigns and seminars.

Further, the above mentioned problems greatly depend on the women's financial dependence on their husbands, the lack of the factual institution of marriage in the legislative field of the Republic of Armenia, the absence of the certain and efficient legislative mechanism for confiscating alimonies in case the husband intentionally conceals the income that he receives from working abroad or from any other unregistered work, and the Judicial Acts Compulsory Enforcement Service of the RA Ministry of Justice does not have proper legislative leverages to search or find out the real incomes and property of the parent who has the obligation to pay. For this reason, the court usually defines a small amount of alimony, 10.000 AMD for each child. So the cases when the parent refuses to pay alimony to support his child and conceals his income are common. While the RA Family Code obliges parents **to support their children**, and Article 173 of the RA Criminal Code establishes a criminal liability for the parent in case of avoiding keeping his child.

In practice, there have been cases when the proprietary right of one of the spouses was violated by the other spouse in case of concluding property alienation transactions. Particularly, in the event of concluding an alienation transaction of the joint property acquired during the marriage, the spouse selling the property could sign a document which states that there are no third persons who have rights to the property which is being alienated, thus depriving the other spouse of the proprietary right.

Speaking about the level of protection of women in Armenia, the lawyers dealing with the issues of women's rights estimated it 3 points from 5 during their interview in the framework of "Influencing the Women's Rights Agenda" Project.

The violation of women's right is often observed in family and property legal relations. " Nvard Filiposyan, advocate of the "Women's Resource Center" explains this phenomenon with the fact that currently the level of women's legal consciousness relating to the awareness of the procedure of concluding a legal marriage, is quite low, which is also caused by women's unemployment, consequently by being isolated from the society. Member of the RA Chamber of Advocates, Advocate of family law Liana Balyan is of the same opinion. She mentioned that women's proprietary right is not protected in the judicial system.

Additionally, Nvard Filiposyan addressed the issue related with the restriction of the child's right to visit his/her grandparents after the divorce, mentioning that according to the RA

Family Code, grandparents have the right to see their grandchildren. In case if there is a quarrel between the parents and grandparents, the problem is resolved judicially, based on the conclusion of the custody and guardianship body. According to the advocate, the grandparents and relatives' right to see the child may be restricted only in case the corresponding parent has relinquished his/her parental rights over the child, taking into account the best interests of the child.

Diagram 21 presents the registered marriages in the Republic of Armenia (according to the registrations of marriage acts received from Civil Status Acts Registration Agency Territorial Offices of the RA Ministry of Justice)⁹⁰

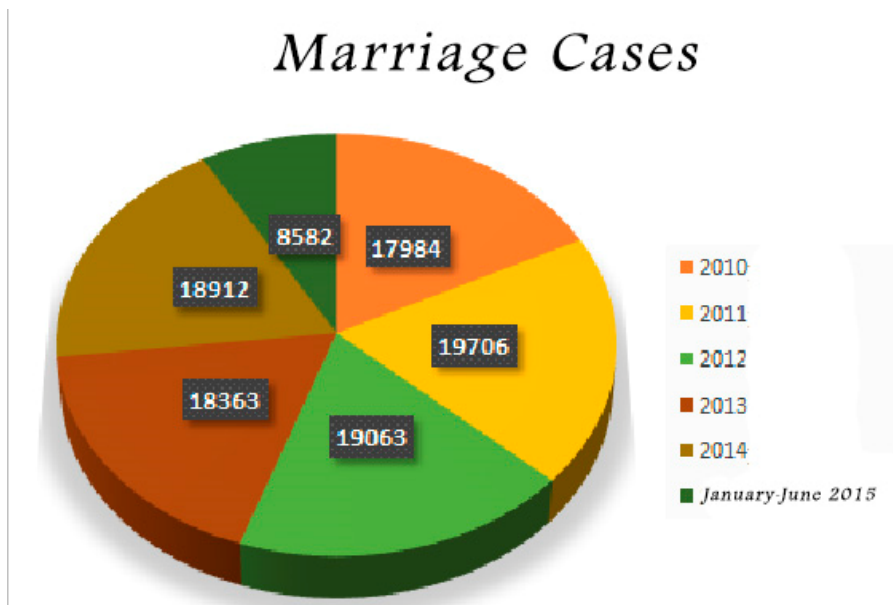
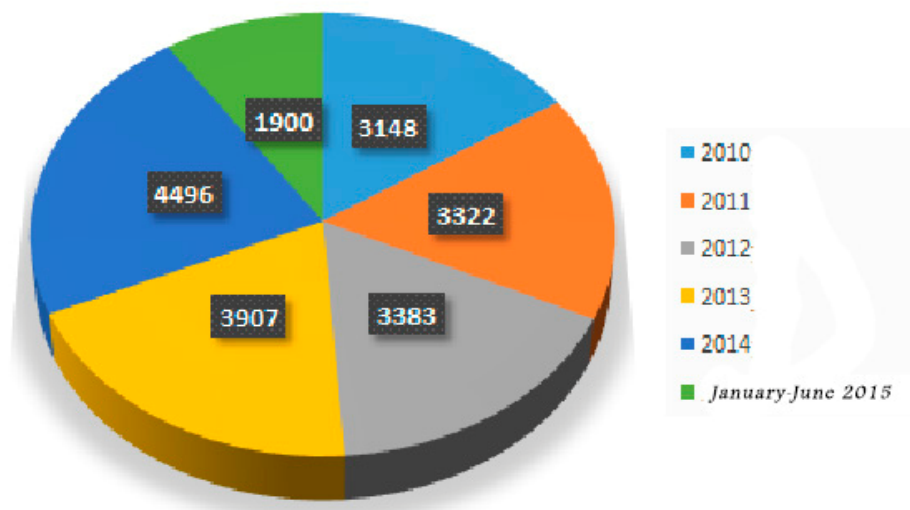


Diagram 22 presents the registered divorces in the Republic of Armenia (according to the registrations of divorce acts received from Civil Status Acts Registration Agency Territorial Offices of the RA Ministry of Justice).⁹¹

⁹⁰ The official statistics is provided by the National Statistical Service of the RA, on 14 August 2015.

⁹¹ The official statistics is provided by the National Statistical Service of the RA, on 14 August 2015.

Divorce Cases



According to Article 1216 of the RA Civil Code, *First priority heirs shall be children, spouse and parents of a testator. Grandchildren of a testator shall inherit by right of representation*

Notably, the national legislation also regulates **the rights of the spouse in the event of inheritance**, according to which, the inheritance right belonging to the testator's spouse by force of law or testament does not apply to his/her right over the part of the property which has been acquired during the marriage with the testator and is their joint property.

It is known that the citizen has right to bequeath any property to any person at his/her discretion, to determine in a desired way the shares of the heirs, to deprive the heirs by law of their heritage, to include other instructions concerning the heritage in the testament, to cancel, make changes and additions to the already drawn up testament. However, it should be mentioned that the freedom of the testament may be subjected to restrictions by compulsory rules of inheritance, protecting the proprietary right of the testator's wife who is considered handicapped or disabled or who has reached the age of 60.

Thus, according to Article 1194 of the RA Civil Code, a compulsory portion shall be considered the right of an heir to inherit, regardless of the content of the will, at least the half of the portion which would have been allotted to him in case of succession by law. **Minor children, as well as children, the spouse, and parents of a testator who have been declared as disabled or having no active legal capacity as prescribed by law or have attained the age of 60, shall have the right to compulsory portion.**

Part 2.

Conclusion and recommendations, in light of international best practices

ARTICLE 3. Ensuring a system for the full development and advancement of women.

The Government should assess the various options, which could include

1. Creation of a women's affairs secretariat within the Prime Minister's Office
2. Creation of a gender mainstreaming unit within the Ministry of Justice

The key issues that need to be covered by one (or a combination of) the above options are:

- (1) the establishment of a central policy coordinating unit, and
- (2) the gender mainstreaming of all policies, programs and legislation **prior** to their adoption.

ARTICLE 4. Temporary special measures.

See Article 7, Article 10 Suggestion 2, and Article 11 Suggestion 4.

ARTICLE 5. Modifying the social and cultural patterns of conduct of men and women.

1. Organizing and conducting training courses and awareness seminars in urban and rural communities on changing social and cultural models of women's and men's behavior and overcoming stereotypes with the participation of women and men by the Council for Equal Rights and Equal Opportunities for Women and Men in the Republic of Armenia in cooperation with CSOs experienced in that field. According to official data, currently there are 915 communities in Armenia, among which 49 urban communities. In case of organizing 2 training courses and seminars a year in 366 communities (the annual total number of courses and seminars-732), during the next five years the social and cultural models of women's and men's behavior will change significantly and the stereotypes will be overcome.
2. Adoption of the RA Law "On Domestic Violence".

ARTICLE 6. Suppressing all forms of traffic in women and exploitation of prostitution of women.

1. Organizing and conducting training courses and awareness seminars in urban and rural communities on white slavery and labor rights with the participation of women and

men by the Council for Equal Rights and Equal Opportunities for Women and Men in the Republic of Armenia in cooperation with CSOs experienced in that field. See Article 5 Suggestion 1 for the frequency of conducting training courses and seminars.

2. Abolish the provision of administrative liability imposed on women engaged in prostitution from the RA Code of Administrative Violations.
3. Abolish the provision of criminal liability imposed on women engaged in prostitution from the RA Criminal Code.

ARTICLE 7. Elimination of discrimination against women in the political and public life of the country.

1. Legislative Power

1. Increase quotas of women's representation to 25 % in the Legislative Power:
2. As it has been mentioned, the current regulation allows not involving women in the top-five of lists. Therefore, it is necessary to make appropriate changes to the RA Electoral Code, and the possible regulation will read as follows.

According to Article 108, Part 2 of the RA Electoral Code, *"The number of representatives of each sex must not exceed the 75% of each integer group of four candidates (1-4, 1-8, 1-12 and subsequently till the end of the list) starting from the first number of the electoral list of a political party, of an alliance of political parties and of each of the parties included in an alliance for the elections to the National Assembly under the proportional electoral system.*

3. It is necessary to provide legislatively that the quota is designed not only for the lists, but for the Seats of the National Assembly
4. To provide legislatively that in the event of withdrawals of women MPs or assuming other positions by them, the latter may be replaced only by women MPs.
5. To provide legislatively at least 25 % quota for women's participation in for the posts of the Speaker of the National Assembly, Deputy Speakers and advisers, assistants, heads of the departments of the National Assembly's Staff and other leading positions.
6. The parties should consider the introduction of voluntary party quota in their proceedings

2. Executive Power

1. Introduce quotas to provide at least 25 % of women's participation in administrative positions of different bodies of the executive power, particularly in the posts of the RA President and the Prime Minister's Deputies and Advisers, Minister-Chief of Government Staff Deputies and Advisers, heads of the divisions of the RA Government, the RA Ministers and Deputy Ministers and their deputies, heads of the bodies affiliated

to the RA Government, the Mayor of Yerevan and their deputies, advisers, secretaries, heads, governors, deputy governors of administrative districts, heads of the Staffs of Governor's Offices, heads of urban and rural communities and their deputies.

2. Make amendments to the RA Electoral Code, to provide the quota designed for Yerevan City Council elections over other community councils. And the possible regulation will read as follows:

According to Article 155, Part 2, of Chapter 34 "Nomination and Registration of Candidates for Yerevan Council of Elderly" of the RA Electoral Code, the *number of representatives of each sex must not exceed the 75% of each integer group of four candidates (1-4, 1-8, 1-12 and subsequently till the end of the list) starting from the first number of the electoral list of a political party, of an alliance of political parties and of each of the parties included in an alliance for the elections to the National Assembly under the proportional electoral system. Also mention that this regulation applies over members of other Councils of Elderly or to separate a special chapter referring to them in the RA Electoral Code.*

3 The RA Judicial Power

1. Increase the compulsory quota in the judicial system, to make amendments in the RA Judicial Code, and the regulation will read as follows:

According to Article 117, Part 3, of the RA Judicial Code, *when compiling the list, gender balance shall be taken into consideration. If the number of judges of either sex is less than 30 percent of the total number of judges, then at least five places shall be safeguarded in the list to the candidates of that sex.*

2. Provide 25 % quota for administrative positions of the judicial system

4 The RA Law Enforcement Bodies

1. Provide 25 % quota for the women's involvement in the RA Prosecutor's Office, RA Investigative Committee and RA Police.
2. Provide 25 % quota for the administrative positions in the above mentioned systems.

ARTICLE 8. Ensuring to women, on equal terms and without any discrimination, the opportunity to represent their Governments at the international level.

Provide 25 % quota for women's participation in the Diplomatic Missions of Armenia in foreign countries.

ARTICLE 10. Elimination of discrimination in the field of education.

1. The comparatively weak representation of women in post-graduate studies may be partly due to cultural norms, but there is need for further analysis and for the development of a program of activities to encourage more women to apply for and complete post-graduate studies.
2. Provide scholarship quotas to ensure that male students who try to get a deferment from military service do not unfairly influence the availability of such scholarship for female students.
3. To reduce the dominance of men in the management positions in the Ministry of Education and Science; See Article 7, Recommendation 2.1.

ARTICLE 11. Elimination of discrimination against women in the field of employment.

1. **Most of the unemployed are women.**
 1. To make amendments to the labor legislation and Constitution and to define the labor right.
 2. It is recommended to introduce a provision into the RA Labor Code according to which the employer will be obliged to give a written explanation on refusing to conclude the contract.
2. **The prohibition provided by law on termination of the employment contract with pregnant women or women taking care of a child under the age of one on the part of the employer is intended only for contracts concluded for an indefinite period.**

Though the recommendations of the Council of the European Union and the verdicts of the EU Court of Justice have no compulsory legal power for the Republic of Armenia, they are considered as advanced practice. So it is necessary to make the following amendments in the RA Labor Code:

- Establish a provision prohibiting refusal to renew the fixed-term contract after the expiry of the term on the ground of pregnancy.
3. **The commitment on prohibiting dismissal on the basis of marital status undertaken under the Convention is not prescribed by the RA Legislation.**
 - It is recommended to make amendments to the RA Labor Code and to set the above mentioned provision. The following is a possible formulation:

According to Article 156 of the RA Criminal Code,

Ungrounded refusal to hire a pregnant woman citing pregnancy or a person with a child under 3 years of age, or ungrounded dismissal, citing this reason or dismissal on the basis of

discrimination based on marital status is punished with a fine in the amount of 200 to 500 minimal salaries, or imprisonment for up to 1 month

4. The level of women's participation in boards of business companies is low, there are no legislative regulations.

- Provide 10 % quota for women's participation in the councils of business companies.

5. Sexual harassment by the employer remains a problem, there is no legal regulation.

- Make amendments to the RA Labor Code, to provide the definition of sexual harassment and its prohibition, and to establish a liability based on the above mentioned international experience.

6. The state does not encourage the provision of the necessary social support services to enable the parents to combine family obligations with work responsibilities and participation in public life.

1. It is recommended that the state provides diverse social services, and establishes new free kindergartens.

1. To establish clear legal regulations, such as to oblige employers to provide special rooms in the workplace where women can breastfeed children

7. The leave granted to a husband of a woman on pregnancy and maternity leave, as well as a husband of a woman on leave for taking care of a child under the age of one at the request of the employee is unpaid.

- To establish privileged provisions by the labor legislation, according to which the above mentioned leave will become paid.

8. Women employees are generally engaged in junior positions, while men employees hold the main and superior positions.

1. Establish a quota to ensure at least 25% of women's participation in the junior and superior positions of the civil service.
2. Private companies, such as private medical institutions, need to set quotas for administrative positions

9. Salaries for women and men are not equal despite the requirement established by law.

- Increase the salaries in the workplaces and areas where the employees are mostly women.

10. Women have no mechanisms for the protection of their violated rights.

- Introduce the Public Defender's institute for the workers as well.

ARTICLE 12. Elimination of discrimination against women in the field of health care.

1. Organization and conducting of trainings and awareness seminars on the reproductive rights and reproductive health with the participation of women and men in urban and rural communities by the Ministry of Health of RA in cooperation with CSOs experienced in that field. For the frequency of the organization of courses and awareness seminars see Article 1, Recommendation 1.
2. Before the abortion the woman shall be notified by the medical worker about the harmful consequences of abortion by signing a relevant document with corresponding context.
3. Based on the Government Resolution No 275-N of 06.03.2014 "On Defining the Size of Lump-Sum Allowance for Childbirth, Establishing the Procedures for Appointing and Paying Lump-Sum" establish encouragement mechanisms in case of birth of a baby girl. Specifically:
 - 1) The amount of the lump-sum for the birth of a child according to the sequence of each newly born baby:
 - a. For the birth of the first baby-girl – 100.000 AMD
 - b. For the birth of the second baby-girl – 300.000 AMD
 - c. For the birth of the third baby-girl – 1.000.000 AMD
 - d. For the birth of the forth baby-girl – 2.000.000 AMD
 - e. For the birth of the fifth and each next baby-girl- 3.000.000 AMD
 - 2) In case of the birth of more than one baby girls, the lump-sum for the birth of each child shall be in the highest amount specified for the sequence of the newly born child.
 - 3) The amount of the lump-sum debited on the account of the state support for the third and the each subsequent baby girl:
 - a. one million AMD for the birth of the third child;
 - b. two million AMD for the birth of the fourth child;
 - c. three million AMD for the birth of the fifth and each subsequent child.
4. Define the sex selection in the national strategic programs as a serious demographic problem.
5. Develop a policy of implementation of internal monitoring in the medical institutions for the RA Ministry of Healthcare and its subdivisions to reveal sex selective abortion cases forbidden by law.

6. Cooperate with CSOs experienced in the sphere and to provide an opportunity for them to conduct public control including monitoring in medical institutions to support the RA Government to decrease the number of sex selective abortion.

ARTICLE 13. Social and economic benefits.

Immediate improvements in these two sectors will largely be dependent on awareness-raising. The Government should encourage programs which:

1. Alert banks and other financial institutions to the difficulties that women face in applying for loans and credits, and encourage the financial institutions to increase the availability of loans to women which do not depend on collateral but instead use other forms of guarantees.
2. Advertise the benefits to women of participation in athletics and other sports, and explore ways to ensure that larger numbers of women are engaged in sporting activities, both as trainers and as participants
3. For other recommendations of this sphere see Article 16, Recommendation 4.

ARTICLE 14. Elimination of discrimination against women in rural areas.

1. See Article 7, Suggestion 2.2
2. It is suggested to add Point 3 in Part 3 of the Article 22 of the RA Law on “Local Self-Government”, which will provide that the powers of the member of the Community Council may be early terminated in case where the member fails to carry out his/*her obligations provided by law.
3. Amend Article 21 of the mentioned law and provide: “...the publication shall be carried out by posting the communication in the seat of the Community Council, as well as in locations accessible for each member of the community, at least in two locations for each 500 inhabitants.”
4. Foresee a provision in the mentioned law, with a requirement of mandatory creation of official websites of the of the communities in the RA, which shall be refreshed periodically, where the legal acts of the Local Self Government, including the decisions, orders and instructions of the Community Head and the Community Council, as well as the notification and agenda of the sessions of the Council of Elderly, their protocols, notifications about the public discussions, and the documents subject to public discussion shall be published. Also undertake measures to online broadcast of the sessions of the Council of Elderly. In addition to foresee special sections for women in the mentioned website. It is recommended to make this provision obligatory in the upcoming 3 years for the communities with 15,000 or more residents

ARTICLE 15. Equality of women with men before the law.

1. Amend Point 13 of Chapter 3 of the Statute of the RA Council on Affairs of Ensuring Equal Rights and Equal Opportunities between Men and Women in the Republic of Armenia and formulate that the Council's activities are organized through sessions which are summoned by necessity by the Chairman of the Council but not less than once every three months. In addition also provide that the meetings of the working groups shall be called at least once in a month.
2. For the purpose of implementation of the requirement provided in Point 5, Chapter 2, of the above mentioned Statute provide that the above mentioned Council and working groups shall closely cooperate with the CSOs operating in different regions of the RA, which shall coordinate and present the problems that exist in their regions in relation with ensuring equal rights and equal opportunities between men and women
3. It is recommended to establish a competitive and public order for the CSOs for the involvement in the working groups of the council, attaching special importance to the following criteria – the CSO shall have at least 2 years' experience in the area of women's rights or should have implemented at least 2 projects on women's rights.

ARTICLE 16. Elimination of discrimination against women in all matters relating to marriage and family relations.

1. Consider the opportune of introduction of de facto marital institute in the RA legislation.
2. Mandatory requirement to present a copy of the marriage certificate when signing property alienation transactions in the Notary office or at the State Committee of the Real Estate Cadastre adjunct to the RA Government, and if not married a reference certifying the fact from a competent body of the RA.
3. Consider the opportunity on imposing administrative liability under the RA Law upon the husband intentionally conceals the income and property and avoided from the responsibility to paying alimony. Envisage possibility of non-application of statute of limitation for this case by legislation. Specifically, in case when the fact of intentionally conceals the income and property is confirmed the statute of limitation shall not be applied for this legal relationship, and the exact alimony from the moment of origin of the right to alimony, if there is a necessity for it.
4. Urge the banks and other financial institutions that conduct loan and crediting activities to include in their procedures a provision stating obligatory requirement of consent of the other spouse to receive the loan (regardless of the loan type), and the requirement to requirement to present a copy of the marriage certificate when signing such

transactions, and if not married a reference certifying the fact from a competent body of the RA.

5. The employee who breached the procedure should be called to disciplinary and/or administrative responsibility, depending on the size of the damage caused by the transaction to the other spouse, who did not give the consent for such transaction.

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