



# NO PRIDE IN SILENCE

COUNTERING  
VIOLENCE IN THE  
FAMILY IN ARMENIA

AMNESTY  
INTERNATIONAL



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Amnesty International Publications

First published in 2008 by  
Amnesty International Publications  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

© Amnesty International Publications 2008

Index: EUR 54/004/2008  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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Cover photo: This drawing by an 11-year old artist was entered for a competition entitled “When peace reigns in the family”, organized by the Martuni Women's Community Council, Martuni, Gegharkunik region, Armenia.

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# 1. INTRODUCTION

*I was twenty-five when I married, so I was already an adult and I knew who I was marrying. He was a very, very good person. It was just one of those rare cases where someone falls apart... I tried to save him because I really loved him, you know people used to comment on how much we were in love. I gave birth to two daughters, and after five years it started. He started going to the casino, then he lost his job and started owing money, he stopped coming home at night, and started taking household money, which I couldn't refuse him because he'd beat me. Then the drinking started, and drugs. He gradually became an alcoholic, and he started to take his frustration out on me and the children, and so it all started, beating, insults and so on. The government says domestic violence is not an issue for this country. I want both state and society to just acknowledge that this problem exists in Armenia. They don't want to, because of this Armenian mentality that you can't talk about it. There are even women who condemn other women who go to a shelter. I'm certain some of those women are victims of violence themselves, but there's this Armenian pride that says you can't talk about it openly. You're a woman, you've got to put up with it. (P.N.)<sup>1</sup>*

As in other countries in the region and the wider world, thousands of women in Armenia are regularly subjected to violence within their families on account of their gender. Survey data has suggested that over a quarter of women in Armenia may at some time experience physical violence at the hands of husbands or other family members, with much higher figures reported for psychological forms of violence. Although perpetrators and victims of domestic violence may be either men or women, in a vast majority of cases it is women who are exposed to violence at the hands of men. Women are also the primary victims of sexual violence. The gendered nature of domestic violence, resulting in the disproportionate exposure of women to violence, means that it is a form of discrimination, and therefore a human rights violation. Due to strong social pressure on victims to preserve silence on domestic and sexual violence, Amnesty International is concerned that these crimes and violations of women's rights are both significantly under-reported and perpetrated with widespread impunity in Armenia.

This report addresses multiple forms of gender-based violence, including the violence against women perpetrated by husbands, other intimate partners or other family members (domestic violence), sexual violence perpetrated within the family context and the sexual harassment of women in the workplace. All of these phenomena constitute human rights violations, which demand appropriate action on the part of the Armenian government to protect the right of women and girls to security and integrity of the person in their families and in their jobs.

In their 2000 report *Domestic Violence in Armenia*, the American human rights organization Minnesota Advocates for Human Rights recommended that "[t]he Armenian government should provide victims of domestic violence with equal and effective access to the criminal justice system and redress for the harm they have suffered".<sup>2</sup> Eight years later, despite growing numbers of women's non-governmental organizations (NGOs) addressing the issue, the increasingly rigorous documentation of the phenomenon in survey work and recommendations from UN treaty bodies, equal and effective access to the Armenian criminal justice system and redress for domestic and sexual violence remain an elusive goal for victims of these crimes in Armenia.

The Armenian authorities have taken some initial steps towards addressing violence against women. In 2004 national action plans were adopted to eliminate trafficking and to enhance the role of women in society, including through action to eliminate violence against women. A draft law criminalizing domestic violence was under discussion during 2008, and some police training programmes have been initiated to implement guidelines for police responsibilities in responding to domestic violence.

Yet these steps have not gone nearly far enough to counter the pervasive and endemic discrimination confronting women who seek justice against their abusers, to support victims of domestic and sexual violence or to challenge underlying attitudes justifying violence against women. Domestic violence continues to be punished by means of general provisions for grievous bodily harm, assault and other crimes in the Armenian Criminal Code, and has yet to be defined as distinct from violence perpetrated by strangers, although the implications for its prevention and punishment are quite different. State measures addressing violence against women form just one component of the national action plan addressing women's rights in general, and with just two years to go remains largely unimplemented. The small number of shelters run by NGOs that have operated intermittently in Armenia in recent years were, with one exception, reported as having closed in June 2008 due to funding problems.

Amnesty International is calling upon the Armenian authorities to do significantly more in order to fulfil their obligations under international human rights law to respect, protect and fulfil the rights of women and girls to lead lives free of violence. In particular, a sea change in attitudes at multiple levels of the criminal justice system is needed to counter pressures on victims of domestic or sexual violence not to seek justice. Significantly more resources and action are required to lend substance to the national strategy through the establishment of support services, including hotlines and shelters, and the capacity of law enforcement agencies to effectively intervene to protect women and girls from violence. It is mainly NGOs, typically with meagre and fluctuating resources, which have so far provided rudimentary structures, such as hotlines, crisis centres and shelters, supporting victims of gender-based violence.

The research conducted by Amnesty International for this report further reveals the predominance of social attitudes in Armenia accepting, and even vindicating, violence against women. These attitudes, far from being restricted to men, are widespread among women themselves. These views represent a critical obstacle to the protection and fulfilment of women's rights, and need to be challenged. Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention) requires states to take measures "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women". The steps taken so far by the Armenian authorities have in the main had only a declaratory character; much more needs to be done to challenge such attitudes and the violence they justify.

Gender-based violence is not unique to Armenia, but a global phenomenon tainting the lives of women and girls across the planet. Amnesty International does not suggest that gender-based violence in Armenia is especially or disproportionately severe, as similar reports published by the organization on countries in the region, including Georgia, Belarus, Ukraine, Russia and Turkey, demonstrate.<sup>3</sup> Amnesty International firmly believes that the universality of gender-based violence cannot be taken as diminishing in any sense the obligation of national governments to address the issue. As the UN Secretary-General has said: "[v]iolence against women persists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality. Such violence is unacceptable, whether perpetrated by the State and its agents or by family members or strangers, in the public or private sphere, in peacetime or in armed conflict... States have an obligation to protect women from violence, to hold perpetrators accountable and to provide justice and remedies to victims. Eliminating violence against women is one of the most serious challenges of our time."<sup>4</sup>

Amnesty International recognizes that strong family bonds are an integral and cherished aspect of Armenian culture. In the words of one NGO activist from Gyumri interviewed for this report, "people want and love the culture of family in Armenia". Amnesty International is concerned, however, that behind public support for the family lies an institutionalized culture of preserving silence on the violence that occurs within the family and denying justice to its victims. Women confront numerous

disincentives to pursue justice. They are pressured into keeping the family intact by dealing with domestic violence as a private “family matter”, rather than informing outside parties such as the police, and as a result they remain exposed to continued violence. While Amnesty International believes that states have an obligation to protect family life, this should not come at the expense of shielding or excusing violence in the family, or ignoring its consequences for women who suffer violence, children who are also exposed to violence or become witnesses to it, and society at large. Amnesty International’s campaign against domestic and sexual violence is intended to assist efforts by local NGOs and committed government officials to secure homes and families free of violence. It is precisely because family relationships are valued that the perpetration of crimes against family members and intimate partners must be legislated for, punished and prevented.

## 1.2 BACKGROUND, RECOMMENDATIONS AND METHODOLOGY

This report forms part of Amnesty International’s series of publications issued within the organization’s global ‘Stop Violence against Women’ campaign, which was launched in March 2004. This campaign has highlighted crimes of gender-based violence as violations of the human rights of women and girls to lead lives free of violence. The campaign has sought to influence state governments across the world, urging them to prioritize the eradication of gender-based violence as a vital component of their obligation under international human rights law to counter discrimination against women and girls.

This report makes a number of recommendations to the Armenian authorities, including recommendations for a multi-layered approach taking in legislative, institutional and public education strategies. The report calls for the explicit criminalization of domestic violence through the adoption of a specific law, and for the introduction of a coordinated cross-agency approach to the problem, including police, health workers, legal aid centres and the judiciary, shelters and crisis centres, and women’s NGOs. Given the deeply rooted social attitudes that see violence against women as a ‘family matter’ not for public discussion, the report recommends public awareness and education measures emphasizing that violence against women is not a private issue on which silence should be preserved, but a widespread criminal offence and human rights violation.

This report is based on Amnesty International’s own research, conducted during three field visits to Armenia in 2007-2008, as well as research published by Armenian NGOs, academics and media outlets. Fieldwork for the report was conducted in the capital city Yerevan, Armenia’s second city Gyumri and the town of Martuni in the region of Gegharkunik. It draws upon information provided to Amnesty International by Armenian women’s NGOs, government officials, police, legal specialists, medical workers and journalists. Despite a tendency to minimize the extent of gender-based violence in Armenia, government officials on the whole discussed the issue freely and expressed commitment to fulfilling Armenia’s obligations under international human rights law to protect women and girls.

In terms of case material the report draws upon interviews conducted by Amnesty International with survivors of domestic and sexual violence, as well as case histories supplied by Armenian NGOs and journalists (these are acknowledged in footnotes). Except where indicated, the identity of survivors has been protected by use of initials which bear no relation to real names.

## 1.3 DEFINING VIOLENCE AGAINST WOMEN

Throughout this report a number of terms are used to describe different aspects of violence against women in the context of intimate relationships or workplace relationships. They include domestic violence, violence in the family, intimate partner violence, gender-based violence, sexual harassment in the workplace. This range of terminology reflects the fact that there is no single term universally accepted as appropriately defining, in all contexts, acts or conduct by an individual that a woman considers to be, or to have been, intimately connected to her – regardless of sex, marital status or residence – which results in death, physical, sexual or psychological harm to the women.

The UN Declaration on the Elimination of Violence against Women (DEVAW) defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. On this basis physical, sexual and psychological violence occurring within the family or general community, or perpetrated or condoned by the State, all fall within this definition of violence against women.<sup>5</sup> According to more recent interpretations of this definition, violence against women may include “the withholding of economic necessities from the victim”.<sup>6</sup>

CEDAW’s General Recommendation 19 has defined gender-based violence “as a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”, which is “directed against a woman because she is a woman or that affects women disproportionately”.<sup>7</sup> Gender-based violence may breach specific provisions of the UN Women’s Convention, regardless of whether those provisions make explicit mention of violence or not.

As the UN Special Rapporteur on violence against women has observed, “gender-based violence is also related to the social construct of what it means to be either male or female”.<sup>8</sup> Determining whether particular acts are gender-based demands assessment, within a particular context, of how women are affected by particular acts as compared to men. Where women are disproportionately affected, for example through communal victimization as an object of ‘shame’ or due to the inaccessibility of legal remedy (for example, on account of the refusal of law enforcement agents to believe women when they report violence against them), acts of violence against women assume a discriminatory as well as criminal character.

The World Health Organization has defined what it calls intimate partner violence as any behaviour within an intimate relationship that causes physical, psychological or sexual harm, including:

- Acts of physical aggression, such as slapping, hitting, kicking and beating;
- Psychological abuse such as intimidation, constant belittling and humiliation;
- Forced intercourse and other forms of sexual coercion;
- Various controlling behaviours such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance.<sup>9</sup>

## 1.4 THE OBLIGATION OF THE ARMENIAN STATE TO PROTECT AND ENSURE THE RIGHTS OF WOMEN AND GIRLS

### **The UN Secretary General has noted:**

States have concrete and clear obligations to address violence against women, whether committed by state agents or by non-state actors. States are accountable to women themselves, to all their citizens and to the international community. States have a duty to prevent acts of violence against women; to investigate such acts when they occur and prosecute and punish perpetrators; and to provide redress and relief to the victims.<sup>10</sup>

Under international human rights law it is States – national governments – that bear the primary responsibility for creating the necessary frameworks to make women’s rights a reality. Armenia is a State Party to the Convention on the Elimination of All Forms of Discrimination against Women (Women’s Convention) as well as other human rights treaties which require equality between women and men in the enjoyment of all human rights, civil, political, economic, social or cultural.<sup>11</sup> Under this framework of international obligations the government of Armenia is obliged to take active steps to eradicate gender-based violence through prevention, investigation and prosecution. These obligations

apply not only to the violation of the rights of women by agents of the state, but also abuses of human rights by non-state actors. Such abuses include the private acts of a violent husband, other intimate partner or relative which abuse the human rights of women.

According to the standards of international human rights law States must exercise due diligence to prevent violations of rights such as the right to equality, life, liberty and security, and freedom from discrimination, torture or cruel, inhuman or otherwise degrading treatment. Where States fail to take appropriate steps to prevent such violations, or to investigate and prosecute them, they may be said to be complicit in abuses of women's rights, and indeed in breach of these rights. States, such as Armenia, must therefore take active steps to establish policies, plans, implementation structures, budgets and enforcement mechanisms to fulfil these rights, protect individuals from abuses of these rights and provide reparation to those who have had their rights violated.

## 2. WOMEN AND GENDER-BASED VIOLENCE IN THE REPUBLIC OF ARMENIA

### 2.1 ARMENIA: RECENT HISTORY

Even by the standards of the region, Armenia's transition from Soviet republic to independent state has been an especially traumatic and violent one. Natural disaster, war, refugee flows, near-total economic collapse and regional isolation have exerted considerable strains on the country's population, reflected in significant out-migration.

As Mikhail Gorbachev's reforms took hold in the late 1980s, Armenia entered a particularly difficult and chaotic period in its history. In 1988 the northern town of Spitak was struck by an earthquake, killing some 25,000 people and causing widespread devastation to the area. Earlier that year opening moves in the Armenian-Azerbaijani conflict for sovereignty over the autonomous region of Nagorny Karabakh, officially under Azerbaijani jurisdiction but populated by a local Armenian majority, had resulted in the onset of violence and mass population exchanges between Armenia and Azerbaijan. The conflict escalated into full-blown war in 1991 and ended in 1994 with Karabakh Armenian forces, supported by Armenia, in control of both Nagorny Karabakh and (in whole or in part) seven regions surrounding it.

Since 1994 the Armenians of Nagorny Karabakh, with Armenia's support, have retained control over these territories as the peace process with Azerbaijan has so far failed to yield results. Armenia's borders with Turkey and Azerbaijan were closed as a result of the conflict, and remain closed today. The conflict also resulted in mass mutual expulsions of each other's ethnic communities in Armenia and Azerbaijan, leading to substantial displacement. Some 360,000 Armenians were displaced from Azerbaijan to Armenia, at their peak accounting for some 11 per cent of Armenia's population.<sup>12</sup>

Simultaneous to the conflict, the Armenian economy underwent an almost complete collapse in the years 1992-1994, providing one of the key incentives for emigration. The unresolved conflict situation, and growing concerns regarding the scale of military investment permitted by Azerbaijani oil revenues, have also contributed to a generalized sense of insecurity in Armenia. Although migration has always played an important role in Armenian history, in the post-Soviet climate of unresolved conflict and aid-dependence, significant depopulation has rendered population statistics highly sensitive.<sup>13</sup>

The last official census in the country was conducted in 2001 and recorded a total population of 3,213,011; of this total, women accounted for 52 per cent (1,671,012).<sup>14</sup> Some observers consider these figures to be inflated; the total figures allegedly also include a substantial number of people officially registered as resident in Armenia but actually living elsewhere.<sup>15</sup> Nonetheless, given that the figure for the total population in the relatively reliable Soviet census of 1989 was 3,448,600, even official statistics give some impression of the extent of depopulation. Unofficial estimates suggest that one million or more Armenians have left the country since 1991.<sup>16</sup> Migration pressure has been especially intense in rural parts of the country; according to the 2001 census 64 per cent of the total Armenian population is urban. Furthermore, since a majority of unregistered economic migrants from Armenia can be assumed to be male, women comprise a larger majority of the population than the 52 per cent statistic suggests. Leaders of some women's groups suggest women may account for as much as 60 per cent of Armenia's de facto population.<sup>17</sup>

Only a small proportion (approximately one-fifth) of the world's ethnic Armenian population lives in

Armenia. There is a substantial diaspora of Armenians numbering up to eight million, living predominantly in Russia, the USA, France, the Middle East and Latin America. The diaspora plays a vital role in the economic survival of Armenia, contributing both remittances and expertise to the republic.

The current Armenian government, led by President Serge Sarkisian, was elected to power in February 2008 in disputed elections that sparked mass demonstrations in the capital Yerevan. These demonstrations were forcibly dispersed on 1 March, resulting in an official death toll of eight protestors and two security officials, and were followed by mass arrests of those associated with the campaign of Serge Sarkisian's main presidential rival, Levon Ter-Petrosian.

## 2.2 WOMEN IN POST-SOVIET ARMENIA

*Everyone wants sons here. A woman's influence derives from the number of sons she has.*<sup>18</sup>

The weakening and in many cases disappearance of formal state structures, combined with economic hardship, have impacted on the women of Armenia in various ways. On the one hand the family and informal networks have assumed renewed importance as vital alternatives to formal support structures. This has put women in a situation where tradition dictates that they are the cornerstone of the family, responsible for child-rearing and the transmission of traditional values, while survival dictates that women too must become breadwinners.<sup>19</sup> Rural women especially have borne the brunt of multiple responsibilities as men have migrated to cities or abroad in search of employment.

During the course of research for this report, Amnesty International was frequently informed of the prominent role played by women in Armenian history and of indigenous traditions of equality. These include the fact that women in Armenia were among the earliest in Europe to secure the right to vote in the Democratic Republic of Armenia (1918-1920), decades before women's suffrage was achieved in some western European states, and the significantly higher than average number of women with higher education in Soviet Armenia. In the domestic sphere Armenian attitudes towards gender roles in the family were said by one government official to be summed up in the saying, 'if the husband is the head of the family, the wife is the neck: where the neck turns the head is sure to follow'.

However, the representation of women in contemporary Armenia does not reflect only these historical precedents or cultural values. Alongside the traditions noted above, prominent stereotypes of women associated with the values of virginity, motherhood and family establish 'traditional' supportive roles for women or treat them as the "repositories of cultural identity".<sup>20</sup> As this excerpt from an interview with a successful Armenian businesswoman in a women's glossy magazine suggests, women are commonly exhorted to demonstrate qualities of self-sacrifice for the greater good of the family and nation: "I believe that the most important trait in a woman is the ability to sacrifice herself. A woman sacrifices herself, when she gives birth to a child and raises him. She sacrifices her interests for the sake of the person closest to her..."<sup>21</sup>

Armenian legislation in general terms enshrines the principles of equality and non-discrimination. The Armenian Constitution (Article 14.1) and other documents guarantee the exercise of rights without discrimination. However, there are no laws explicitly defining or prohibiting gender-based discrimination, and in practice discrimination is evident in numerous fields. In occupations employing high percentages of women, for example, very few women are found in managerial or directorial positions.<sup>22</sup> In education women account for 80 per cent of teachers, yet it is men who occupy the top posts. A similar situation is reflected in universities: although twice as many women as men hold university degrees, men account for a disproportionate number of university professors, teachers and rectors.<sup>23</sup>

Despite constituting a majority of the population women remain seriously under-represented in

politics, with very rare appointments to high-ranking government positions or the diplomatic corps. Women accounted for seven of 131 seats in the National Assembly sitting for the period 2003-2007, and only one minister (of 16) in government over the same period. The Armenian Electoral Code was amended for the 2007 parliamentary elections to stipulate that women should account for 15 per cent of a party or bloc's list of candidates in the proportional component of the vote, and that a woman should occupy every tenth place on the list. However, the visibility of women in the 2007 electoral campaign was extremely low and only 12 women were elected as members of parliament.<sup>24</sup> The situation in local government bodies is even worse: of 926 heads of villages or towns in 2006, only 15 were women (1.6 per cent).<sup>25</sup>

Underlying these statistics are societal attitudes resistant to the idea of greater activity by women outside their 'traditional' roles. An IFES survey published in 2004 showed that while a majority of Armenians believed women should be involved in family life, education and healthcare, less than one in 10 thought that women should be involved in government, business or the military.<sup>26</sup> These attitudes are reflected in the structure of government agencies dealing with women's issues: governmental policies for *women* typically address the issues from a *family* policy perspective.<sup>27</sup> This approach emphasizes the preservation of the family over the human rights and wellbeing of its individual members, and obstructs the administration of justice in cases of violence in the family.

## 2.3 THE EXTENT OF DOMESTIC VIOLENCE IN ARMENIA

*"The issue of 'violence against women' is the quintessential taboo in Armenia. Public discussion of the problem is regarded as an effort to destroy the family."*<sup>28</sup>

Research across a wide range of countries has consistently demonstrated that women are more likely to be assaulted, injured, raped or killed by a current or former partner than by any other person. Based on the results of 48 surveys the World Health Organization (WHO) has concluded that between 10 and 69 per cent of women report being physically assaulted by an intimate male partner at least once in their lives.<sup>29</sup> Research also suggests that physical violence is often accompanied by psychological abuse and in one-third to over one-half of cases by sexual abuse. As the WHO concludes, "[t]he fact that women are often emotionally involved with and economically dependent on those who victimize them has major implications for both the dynamics of abuse and the approaches to dealing with it".

A number of studies and statistical surveys in recent years have presented concrete evidence of domestic violence in Armenia and some indication of its extent. Statistical surveys are characterized by under-reporting, but nonetheless suggest that domestic violence in Armenia is widespread. The Minnesota Advocates for Human Rights found extensive qualitative evidence of domestic violence in Armenia based on interviews with legal professionals, health professionals, NGO representatives and survivors of domestic violence in 2000.<sup>30</sup> Some quantitative evidence was provided by a survey of 1,200 women conducted by the Sociometer research centre in association with the Women's Rights Centre NGO in 2001. According to this survey 45.7 per cent of respondents had suffered psychological abuse, 28 per cent physical abuse, 20.2 per cent sexual harassment and 5.3 per cent sexual violence.<sup>31</sup>

Survey data revealing attitudes towards domestic violence was included in a demographic and health survey published by the National Statistical Service of the Armenian government in 2006.<sup>32</sup> Twenty-two per cent of over 6,500 women surveyed agreed with at least one of a number of specified reasons justifying a husband's beating his wife; this figure rose to about one-third for rural respondents and fell to 15 per cent for urban women.<sup>33</sup> Women with higher education or who were employed for cash were more likely not to see domestic violence as justified under any of the specified circumstances. Men were also included in the survey; of the male sample, 31 per cent agreed with one of the specified reasons justifying beating one's wife. Men were therefore more likely overall to see justifiable grounds for beating one's wife. Percentages of those viewing domestic violence as justified had fallen

for both genders since the previous demographic and health survey conducted in 2000.

More detailed quantitative data was published in 2007 in the form of a survey of 1006 women, conducted for the Women's Rights Centre NGO by the Turpanjian Center for Policy Analysis within the American University of Armenia.<sup>34</sup> This survey found that 66 per cent of respondents had experienced psychological abuse (46 per cent experiencing it 'often' or 'sometimes'). Nearly all respondents (95 per cent) believed that psychological abuse is as bad as physical abuse. With regard to physical abuse, 27 per cent reported having experienced 'moderate' physical abuse (16 per cent 'often' or 'sometimes'), while 12 per cent reported having experienced 'severe' physical abuse (6 per cent 'often' or 'sometimes').<sup>35</sup> Across the cases of physical abuse, in 85 per cent of cases husbands were the perpetrator, and in 10 per cent of cases, mothers-in-law.

The survey also revealed resistance to public discussion of domestic violence, with 88 per cent of respondents believing that domestic violence is best handled as a private matter rather than through the authorities. Only 29 per cent of abused respondents sought help, in most cases from family members. Respondents attributed domestic violence to a range of causes, including drug and alcohol problems, poverty (with the emphasis on sudden job loss or financial problems), inequality between men and women, low education levels and prior experience of violence in family life. No statistically significant differences were found across major indicators between urban and rural respondents.

These surveys provide, for the first time, solid evidence of the prevalence of domestic violence in Armenia, if not a complete picture of the real scale of the problem. Both the Women's Rights Centre survey and interviews with women's NGO activists attest to the fact that domestic violence is not widely recognized by women in Armenia as a distinct phenomenon from physical violence entailing the violation of their human rights as women. Rather, women in Armenia identify domestic violence as 'ordinary' physical abuse. The authors of the survey write:

*"The incidents of both psychological and physical violence reported in the self-administered sections with the lists of types of violence and abuse revealed an entirely different picture [from initial responses that respondents had not suffered domestic violence] in which nearly 30 percent reported having been the victim of physical abuse. The problem may be that Armenian women are unable to define domestic violence and abuse as general concepts."*<sup>36</sup>

Women's NGO activists also state that there is no clear understanding of domestic violence. According to Susanna Vardanyan, president of the Women's Rights Centre, many women, for example, believe that domestic violence consists of physical beatings only, rather than including psychological and economic aspects.<sup>37</sup> These perceptions, as well as the shame imposed on women admitting to such experiences, contribute to non-reporting and under-reporting of domestic violence. In Susanna Vardanyan's words, "we must confront both ignorance and denial".

In the face of these studies and the emergence of NGOs across the country addressing the issue, the attitude of government officials towards violence against women has shifted over the last decade from denial to acknowledgement.<sup>38</sup> This is a significant and welcome shift, even if many officials still minimize the extent of the problem.

## 2.4 SEXUAL VIOLENCE AGAINST WOMEN

*"Rape victims are seen by society as guilty."*<sup>39</sup>

Rape and other forms of sexual violence are violations of women's human rights, and are most often perpetrated by husbands or intimate partners. Domestic violence may often involve rape or other forms of sexual violence. While rape is strongly censured in Armenian society, rape and sexual violence perpetrated by an intimate partner remains a strict taboo and highly controversial topic. Marital rape is

not explicitly defined as a criminal offence in Armenian law, amid strong social attitudes that a woman must concede to a male partner's sexual demands. Representatives of women's NGOs informed Amnesty International that women subjected to rape or sexual violence at the hands of an intimate partner are very unlikely to report these crimes to the police. Even when a woman does report rape to the police, she faces ingrained attitudes that she is to blame.

The National Statistics Service demographic and health survey mentioned above also elicited opinions on circumstances allowing a wife to refuse sexual relations with her husband, indicating broadly similar opinions among men and women. Forty-four per cent of women and 45 per cent of men disagreed that a wife may justifiably refuse sexual relations with her husband under three given circumstances.<sup>40</sup> A greater proportion of younger women indicated feeling pressure to have sexual relations on demand than other age groups, with 28 per cent of those aged 15-19 believing that a wife is not justified in refusing sex under any of the specified circumstances.<sup>41</sup>

## 2.5 SEXUAL HARASSMENT IN THE WORKPLACE

Women in Armenia are widely subjected to sexual harassment in the workplace, with young women and those working in the public sector being the most vulnerable.<sup>42</sup> A survey conducted by the Sociometer research centre in December 2004 revealed that some 64 per cent of those interviewed in Yerevan and the regions of Shirak, Lori and Aragatsotn had been subjected to sexual harassment in the workplace.<sup>43</sup> The poll further revealed that one in five women had been forced to leave their job because of sexual harassment, while five per cent had been forced to enter an unwanted relationship with a male colleague in a management position in order to retain their jobs. The survey results indicated that women working in state-run organizations were the most vulnerable, while women who have postponed marriage in order to progress their careers were also more vulnerable. NGO activists further reported to Amnesty International that sexual harassment was a common problem confronted by their workers and volunteers, as well as female students in higher education.

## 2.6 TRAFFICKING

A number of studies and investigative media reports have provided evidence that Armenia is an important country of origin for irregular migration, including the trafficking of women and girls, and to a much lesser extent a transit country. A study conducted by the International Organization for Migration (IOM) in 2001 concluded that economic hardship and established gender roles and inequalities were major drivers in the trafficking of women from Armenia.<sup>44</sup> The principal destinations for trafficking from Armenia were the United Arab Emirates (UAE) and Turkey.

Since 2004 the investigative journalists' association *Hetq* (Track) has researched and published a number of articles revealing trafficking networks from Armenia, and the fate of Armenian women trafficked to the UAE.<sup>45</sup> Although some 30 trafficking-related cases were reportedly opened by the Armenian Prosecutor General's Office in 2005, in its 2006 report on trafficking the U.S. State Department criticized the Armenian authorities for lenient punishment and consistent allegations of official complicity in trafficking.<sup>46</sup>

There are currently a number of programmes being implemented under the auspices of the Armenian government, international organizations and NGOs. Two shelters for victims of trafficking operate under the management of two NGOs, providing psychological assistance, medical treatment and, upon request, legal aid.<sup>47</sup> Between 2003 and 2007 these two projects provided assistance to a total of 92 people, and in 2004 two hotlines were established for victims of trafficking. These hotlines received a total of 3,719 calls in the period up to June 2006, when both hotlines ceased operations due to lack of funding.<sup>48</sup>

The relationship between exposure to domestic violence and the risk of becoming a victim of trafficking is still the subject of research. Armenian NGO activists working in the field of anti-

trafficking and sex workers believe there is a correlation between these phenomena. One NGO working with sex workers informed Amnesty International that all of the women assisted through their project had been victims of domestic or sexual violence. This NGO's experience also suggested correlations between the experience of domestic violence and both becoming a victim of trafficking and entering sex work.<sup>49</sup> Research has also shown that divorcees are particularly vulnerable to becoming victims of trafficking, principally because of the great difficulties experienced in the employment market by older single women.<sup>50</sup>

## 3. LIVING WITH VIOLENCE: THE EXPERIENCE OF WOMEN IN ARMENIA

*"A woman is like wool; the more you beat her, the softer she'll be."*

Armenian folk saying

Violence against women by intimate partners and family members covers a spectrum of acts ranging from verbal abuse and psychological violence, isolation and withholding of economic necessities, physical and sexual violence, and, in some cases, murder.

Violence against women in Armenia often takes place within the broader context of the extended family. Extended rather than nuclear families are the norm, particularly in rural areas, where several generations may cohabit in the same household. This is in part due to tradition: in a household with only one son, it is usual for the son to cohabit with his parents until their death. In a household with several sons, the youngest is expected to remain in the parental home. Men in these contexts face significant social pressure to remain in the parental home with their wives. Economic imperatives also frequently force young married couples to live with parents for extended periods, so that in the words of one Armenian sociologist, "all brides generally live with their in-laws for some time".<sup>51</sup>

The following sections present evidence of violence against women based on interviews conducted by Amnesty International with survivors of domestic and sexual violence, and case histories collected by Armenian NGOs and journalists (the latter are acknowledged in the footnotes). All of the women interviewed had sought assistance from women's NGOs to help them escape gender-based violence. Although some women had successfully left long-term partners subjecting them to violence, others had not. Due to the failure of the state to provide support services and structures, such as alternative housing arrangements or assistance with finding employment, these women continued a precarious co-existence with their abusers, sometimes even after divorce. Except where indicated the identities of interviewees have been concealed.

### PSYCHOLOGICAL VIOLENCE

Psychological violence or abuse is not considered a criminal offence under the Armenian Criminal Code. It can take many forms. The Women's Rights Centre survey defined psychological violence as including being threatened, shouted, screamed or sworn at; restraining of a woman's movements; being prevented from using the telephone, or contacting friends, family or society outside of the home; being denied adequate financial means; being criticized/put down in front of others, and children being shouted at or threatened.<sup>52</sup> Nearly 66 per cent of respondents to the survey reported having been subjected to psychological violence; 95 per cent of respondents believed that psychological violence is as damaging as physical violence.

*I married when I was 18 and I had only known my husband for a week. I was from the countryside and moved here to Yerevan to live with my husband. My father-in-law was already very ill when I married; my husband's sister was 30 but not yet married so she lived with us too. From the beginning I felt like an outsider in this household. Everyone went out to work in the morning, I would be left with my father-in-law all day. I looked after him, washing his legs twice a day, washing his clothes. I looked after everything in the house, I fed my father-in-law. When my husband came home he wouldn't talk to me, only to his sister when she came in. I was always ignored. I never had any kind of relationship with my husband... He would always remind me that I had no higher education, though he knew that when he married me. (G.L.)*

Several women reported consistent attempts on the part of husbands to restrict their movements or the extent of their contacts with family and friends.

*He was a very jealous man, very temperamental and maybe he even had psychological problems. I had no right to say anything, to take any decisions. I always had to avoid him in the house, be in another room. He would beat me in front of the children, and beat the children too. (D.M.)*

*Everything started out well with us. Over time I began to understand that my husband was very possessive, but not just the usual jealousy of Armenian men, this was abnormal, pathological. He didn't like it if I went anywhere on my own – out in the street, to the hospital, shops, the polyclinic. I went to a psychiatrist to talk about my husband's behaviour. He said my husband clearly had a problem, but that it could be treated. When I told my husband what the psychiatrist said, he said that I was the one who was ill, and I should get treatment. (K.D.)*

Some women long removed from the context in which they had endured violence attested to the long-term psychological effect of having been exposed to violence:

*I'm very ashamed that someone could use force against me, I'm ashamed of that. That's what I always said to the counsellor when I was at the shelter: I'm tortured by one thing, I've got one basic psychological problem. How did I allow someone to treat me like that? That will haunt me for the rest of my life, how did I allow that to happen? The point is, I didn't have a choice. (P.N.)*

#### ISOLATION AND CONTROL

Some women reported to Amnesty International attempts by their husbands or partners to isolate and control them through the withholding of economic necessities, ranging from money to food.

*My husband also restores furniture at home to earn more money. He divided the flat and rented out two rooms to a lodger. She's got the telephone line too, so I can't use the telephone without her permission. He uses a mobile, and the lodger uses the landline. It's been like that for seven years. It's a three-room flat, so I share the one room with my husband and two sons and his furniture workshop. My older son is eight. My husband never gave me any money. Only my relatives, my parents, friends and neighbours helped me with money. But he expects me to prepare food for him every day. He tells me that if I don't like living with him I should pack my things and go. He doesn't interact with his sons, he doesn't care, doesn't take them anywhere. When my son was two and a half and he fell ill, all the doctors were shocked at how low his calcium levels were. He was under-nourished because my husband refused to support us. (G.L.)*

#### PHYSICAL VIOLENCE

*I married into a very large family with several generations and we all lived together. My husband drank a lot and he'd come home very late and picks fights with everyone, not just me but his parents, grandparents and so on. I had never seen anything like it, but they were used to it. After three months I wanted a divorce. I went back to my family. But his relatives persuaded me to go back. They said he would change. I went back because I didn't want to disgrace my in-laws, and because I had given birth to a child. But my husband continued beating me, sometimes I'd be covered in blood, my arms would be covered in bruises. Then he beat our daughter too. I couldn't take it any more, I always threatened to go to the police but I never did it for myself. But when I saw our daughter covered in bruises, that was the last straw. The police told me to write a statement, and they took a signed statement from my husband that he wouldn't do it again. That lasted a month. Then he got drunk one night and beat me up really badly. He tried to break all of my fingers. He forbade me to go back to my parents, I was a prisoner. But I decided to go to the courts. He didn't want a divorce, but eventually I got one, after ten years of marriage. (K.S.)*

*He began to beat me three years after we married. He beat me everyday. Still does. When the children*

*tried to protect me he beat them too. When I said I was going to call the police he pulled out all of the telephone wires in the apartment. (K.D.)*

*I had a problem with my father-in-law. We lived in the same house and everything started after the death of my mother-in-law. We started to fall out, there were arguments with my father-in-law, with my sister-in-law. She wanted us to divide up the flat so that she and her son would have one of the rooms. But I've got two sons and I needed the room. They started picking fights with me, and it got to the point where my father-in-law hit me around the head with a glass ashtray. (A.D.)*

*I was born in Yerevan, and I first met my future husband in 1986. In 1989 he raped me and I became pregnant. Although he wanted me to have an abortion I wanted the baby. To keep the pregnancy secret, he took me to his parents' house in Aragatsotn region. His family accepted me at first and in 1990 we got married. My parents disowned me at first because I'd had a child outside marriage, but later we were reconciled and my father helped us to construct a new house on the plot owned by my parents-in-law. But my husband began to beat me when I became pregnant again. He beat me to induce a miscarriage and it was worse when his parents were angry with me. They would get angry over the stupidest things, because my parents helped me, because I was a city girl, because my parents brought them the wrong size slippers as a present. My husband made me walk long distances without water when I was pregnant, once he beat me with a branch like a cow. Then one day he beat me up really badly with a shovel, when I came back from a visit to Yerevan. I think it was his brother who said something to him to make him do it. The brother wanted me out so that his parents would move in with my husband and he could have his parents' house to himself. My husband broke my nose and gave me concussion. My face was completely bruised and bleeding, then he took a mirror, forced me to look into it and said 'Look at yourself! What do you look like?!'. (N.S.)*

In a case documented by the Institute for War and Peace Reporting, 45-year old Gulnara Martirosian (not her real name) lost her sight after years of violence at the hands of her husband's family:

*Anyone who felt like it could beat me. If something was wrong in the house, I was the one who got the blame. They pounced on me and beat me - all together. Once I tried to defend myself, I grabbed a chair and hit my husband over the head with it. I hit him and darted out of the house, but there was nowhere to run - my parents are dead, I have no relatives, and I sought refuge in my neighbour's house. My husband came for me there, and when he saw me, he splashed acid in my eyes. I remember my face burning, the pain was so bad I lost consciousness. I was taken to Yerevan and operated on there, but my sight never returned. I couldn't stand up for my rights, as I had no money, no relatives to run around the courts for me. That's how my life has passed.<sup>53</sup>*

Some women, NGO activists and officials interviewed by Amnesty International attributed violence to low income levels and Armenia's socio-economic situation. In this understanding of the issue, as socio-economic development progresses, domestic violence will reduce. Research conducted by Amnesty International and other organizations does not support this view; in France, for example, survey data dating from 2003 indicated that one in 10 women was affected by violence in the family.<sup>54</sup> Rather, domestic violence occurs in countries with different levels of socio-economic development, and across all socio-economic contexts within individual countries. This view has also been challenged by leading experts in the field in Armenia. Susanna Vardanyan of the Women's Rights Centre told Amnesty International that although economic hardship may give rise to aggravating factors for domestic violence, it cannot be seen as the sole cause.<sup>55</sup> Amnesty International also learnt of cases of violence in the family in Armenia in affluent contexts. A. married at the age of 20.<sup>56</sup> Although her husband had earlier had to work as a porter in Moscow, it was only later, when his new business became successful, that he became violent towards her:

*The better his business went, the more he would lose his temper at home. He began beating me: he might hit me because he didn't like what I was wearing, or he didn't like the way I looked at him,*

*because I talked too long on the telephone or dared to go out of the house without his permission. He bought himself a flat where he would spend time with other women. I tried to defend myself but he then beat me so badly it was several days before I could let anyone see me. I can't say that he denies me money...in summer I go to Spain, Turkey, Cyprus, but always with a bodyguard lest I meet someone, lest, God forbid, I start talking to a stranger. (A.)*

Other purportedly 'mitigating' factors sometimes given as justifications for family violence include the claim that perpetrators were under the influence of alcohol or drugs. As demonstrated in the testimonies included here, some cases of domestic violence reported to Amnesty International were accompanied by alcoholism or drug abuse. While intoxication is often used by the batterer himself or by other family members as an excuse for the batterer's behaviour and claims are voiced that he was allegedly not able to control himself, the men were usually not violent towards people outside the family. In addition, batterers may beat their partner on parts of the body where bruises would not be visible in public, indicating deliberate, considered behaviour. Use of alcohol or other narcotics is absolutely unacceptable as an explanation or justification for family violence.

#### SEXUAL VIOLENCE

Many victims of rape and sexual assault do not speak up about their experiences. This is partly due to extreme feelings of shame, and partly on account of prevailing social attitudes which hold that a woman must consent to sexual relations with her husband at his bidding. The notion that sex between marital partners may not be consensual, and that a man may rape his wife, is not widely accepted, nor is marital rape defined in law as a crime.

*I lived in the Ararat marz (region). One day a woman came to our village and talked to my mother. After she left my mother claimed that I was going to get married in a week. [On] the wedding day the matchmakers came to our... [house] and I saw my future husband for the first time. After the wedding I found out that he was a recidivist and has been imprisoned two times. Every day he used to invite his friends and make me [prepare food] for them. He used to drink every day. My sister's-in-law [sic] husband was also a friend of [his]. Once, when my mother-in-law was at work and I was alone with my children, my sister's-in-law husband came and made me satisfy him sexually. After that he used to come every time I was alone at home and threaten me that he would tell everything to my husband if I did not obey him. Then my father-in-law was released from prison. He used to drink with his son every day. One day he [suggested to] have sex with me, without feeling ashamed. When I refused he raped me and from that day on he [constantly] forced me to satisfy him sexually... I've lived [like that] for 15 years; my husband and father-in-law died, but neither their death nor... time can cure my pain.<sup>57</sup>*

*When I refused to have sex with my husband, he threw me out of the bed and told me I had to sleep on the floor. He forced me to have sex with him anyway. (G.L.)*

Although not widespread, Amnesty International learnt of cases indicating that bride-kidnapping continues to be practised.<sup>58</sup> Bride-kidnapping involves the abduction and sometimes rape of a woman, who according to tradition is then forced to marry her abductor (and possibly rapist) to avoid public shame. The tradition dictates that the abducted woman will no longer be seen as a virgin in the eyes of society, whether she has been raped or not. This assumption precludes her finding an alternative husband, as Armenian men continue to expect (and demand) that their brides be virgins. Amnesty International was informed by an obstetrician in Yerevan that many women resort to hymen reconstruction in order to comply with this demand.<sup>59</sup>

*Our neighbour, a young man, had been endlessly harassing me, confessing love. To avoid his harassment, I left my job under my parents' strong advice. My father tried to talk to him and his parents; for some time he left me alone, but as soon as I had an admirer, he appeared again, threatening that I [belonged] to him. Once, on my way home, a car crossed my way, he got out of it and forced me get into the car with the help of his friends. I tried to persuade him to take me back home, but in vain. They took me to one of his friend's cottage; I tried to escape, but that attempt*

*failed. It made him even more nervous, and he raped me. When my parents [found out] about it they asked him to bring me back home. Several days later he took me back home and asked for my hand, but my parent[s] rejected [him] and applied to [the] Prosecutor's Office. This incident ruined my life; I don't know how I [can] live on...<sup>60</sup>*

*I met my future husband when we went out of the town for a picnic. I did not like him at all and I kept avoiding... him. He had been following me for almost 6 months. One day he told me that we were going to one girl's summer cottage to a party. When a little later I found out that he cheated me and took me to his own cottage, I begged him, asking to take me back home, but in vain. He raped me and seeing that I was a virgin, he took me to my parents and asked for my hand. I married [this man I did not love] out of shame, and I see a beast in him every moment...<sup>61</sup>*

#### SEXUAL HARASSMENT

*I joined the Armavir tin factory as a worker immediately after graduating from school. I worked in a shift. The chief of the shift used to hint: "I'll take care of you, if you... [take] care of me." [At first] I did not understand what he meant. One day I was told he wanted to see me. He said he had appointed me to a new shift and I could attend courses in the daytime. I was so happy to have a permanent job, but my happiness did not last long. A week later, during a night shift, he called me again. He asked me how I was going to return the favour. I went numb. He stood up, closed the door and grabbed me, taking me up from the chair. I seemed not to feel anything, I just felt a sharp hit on my face and fell down onto an armchair. He attacked me like a beast and, having finished, left. Now I am engaged in prostitution. I use ugly slang, not caring what others think about me. But nobody knows that an incurable feeling of insult still lives in my soul, not leaving me alone.<sup>62</sup>*

#### ATTITUDES JUSTIFYING VIOLENCE

Women interviewed by Amnesty International consistently invoked behaviours 'justifying' violence or abuse. References to such behaviours provide powerful evidence of the ways in which the construction of gender in Armenia instils frameworks and codes of discrimination with direct effects on women in abusive relationships.

*Even the parents, even the father of a woman who's being beaten – they can't come and say to their son-in-law, 'look what are you doing to my daughter!' He doesn't have the right to do that, the husband can say she's my wife and I'll behave how I like. Men in Armenia see wives as their property. (D.M.)*

*That's how they raise us here: if you're a woman, you've got to put up with everything. If you're a man, then everything's allowed. A man's allowed to have other women, he can come home late at night, or not at all, he can drink, he can even beat us, that's all fine. But as a woman you've just got to put up with it. (P.N.)*

#### NO WAY OUT FROM AN ABUSIVE RELATIONSHIP

By failing to provide a functional system of either initial protection from violence in the family, such as shelters, effective protection orders and an effective police response, or longer term support through housing and employment, the state fails to provide women with options to leave violent relationships. Returning to one's parental home is in practice the only option available to the vast majority of victims of family violence, yet this is by no means straightforward. According to social norms once a bride has left her parental home for her husband's household, she is considered to be the responsibility of her husband's family. It can therefore be difficult for her own relatives to intervene to assist her, even should they wish to do so. Social norms severely penalize women who leave their husband's household. One NGO activist interviewed by Amnesty International quoted her grandmother's saying: "if a woman is thrown out by the front door, she had better come back by the window", implying that it is a woman's responsibility to return to her husband's family at all costs – even if she has been the victim of violence.<sup>63</sup> Her own family may be unwilling to take a victim of domestic violence back or

may try to persuade her to return, leaving her with no option but to 'reconcile' with the perpetrator and risk being subjected to another cycle of violence. In the words of one Armenian sociologist, "there is a cyclical nature to this, separations then reconciliations. [A victim of domestic violence] does not return home, she is returned".<sup>64</sup>

*My husband would beat me and sometimes I had to collect my things and come back to my own family in Yerevan. My uncle went once to the village and demanded that my in-laws treat me properly. After I went back things were better for a while, the beating even stopped. But it soon started again. Once my husband hit me so hard I got concussion and he broke the bridge of my nose. I wanted to go to the police, but everyone told me not to, my neighbours, my relatives. They said if you go to the police your children will reproach you when they grow up, why did you do that to our father? (N.S.)*

*Several times I wanted to walk out, but I've got nowhere to go. I've got two young children, and if I leave he won't let me back. I want a divorce, but he doesn't. (G.L.)*

*I had two small children; and it's very difficult to find work in Armenia, especially with two small children; you can't find work, you can't hire a nanny, you have to be with your children all the time. No one's supporting you, there's nothing from the state, so there's no way that you can separate from your husband, you're in a state of financial dependence on this person. Well, my husband stopped supporting me. He stopped working, he became addicted to gambling, and a drug addict... When I said I wanted a divorce he beat me up and told me 'you don't have the right to divorce me!' and that's when I called here [the crisis centre]. Five years I wanted a divorce, and there was nowhere to go. (P.N.)*

#### WOMAN TO WOMAN VIOLENCE

Amnesty International was widely informed that in a significant number of cases it is mothers-in-law in multi-generational households who perpetrate domestic violence in Armenia, especially, though not exclusively, in rural areas. This is confirmed by the statistical evidence gathered for the Women's Rights Centre survey, according to which 10 per cent of women subjected to physical violence reported their mothers-in-law to be the perpetrator. Mothers-in-law reportedly also incite their sons to use violence against daughters-in-law they do not approve of.

*I was pregnant then. I was baking bread. I don't know what my mother-in-law had told my husband, but he was mad with rage when he rushed into the bakery. He snatched the rolling pin from my hands and hit me on the back and head with it. I came round in hospital, having already delivered the baby.<sup>65</sup>*

#### SEEKING HELP

Women interviewed by Amnesty International said that attempts to seek help from relatives or neighbours were often rejected; some were dissuaded by relatives or friends from calling the police in order to keep violence in the family a private matter. Women seeking help by calling a hotline or contacting a women's organization sometimes face severe social penalties for doing so and usually do so as the last resort. Several of the women spoken to by Amnesty International had come across hotline numbers by chance or by word-of-mouth. Many women return home following time spent in a shelter. However, even the fact that the woman has paid a single visit to a shelter can have an important deterrent effect on an abusive partner.

*An Armenian woman tries to withstand everything. When a woman calls a hotline that's really the last resort, it means she's already at the end of the line... The shelter is a challenge to male authority. Even if a woman goes back home after a stay in the shelter, this is a challenge to her husband because she's got the power to leave now. She can say, if you treat me badly, I'll go back. You're not all-powerful, I'm stronger than you, there's an alternative to you and I know my rights. (P.N.)*

## 4. THE LEGAL FRAMEWORK AND STATE RESPONSES TO VIOLENCE IN THE FAMILY

*“The current situation of women’s rights in Armenia has two aspects to it: the formal and legal, and the actual and lived.”<sup>66</sup>*

### 4.1 INTERNATIONAL STANDARDS

#### **The UN Secretary-General has observed:**

Recognizing violence against women as a violation of human rights clarifies the binding obligations on States to prevent, eradicate and punish such violence and their accountability if they fail to comply with these obligations. These obligations arise from the duty of States to take steps to respect, protect, promote and fulfil human rights. Claims on the State to take all appropriate measures to respond to violence against women thus move from the realm of discretion and become legal entitlements.<sup>67</sup>

International conventions ratified by Armenia form a constituent part of domestic legislation and take precedence over national laws. Provisions defining and prohibiting discrimination against women in international human rights law therefore apply to Armenia.

Armenia is a State Party to all the major relevant international human rights conventions and regional human rights instruments, including:

- The International Covenant on Civil and Political Rights (ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of All Forms of Discrimination against Women (Women’s Convention);
- The UN Convention on the Rights of the Child;
- The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Armenia has also adopted the Optional Protocol to the Women’s Convention, which recognizes the competence of the UN Committee for the Elimination of Discrimination against Women (CEDAW) to receive and consider submissions from individuals and groups of individuals.

Under the Women’s Convention Armenia is obliged to adopt appropriate legislative and other measures to prohibit all forms of discrimination against women. The Women’s Convention does not refer explicitly to violence against women, but the CEDAW has recognized and confirmed that all forms of violence against women fall within the definition of discrimination against women as defined in the Convention.<sup>68</sup>

In recent years there has been an increasing emphasis on the obligation of States to intervene where non-state actors abuse human rights, including cases where individuals abuse human rights in their

everyday lives, as well as ensuring that agents of the state do not violate human rights. This has been elaborated in CEDAW's General Recommendation 19, which states:

*“Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”*

The standard of due diligence is also stipulated in Article 4 (c) of the Declaration on the Elimination of Violence against Women (DEVAW), which calls on states to: “[e]xercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.<sup>69</sup> In order to comply with the standard of due diligence Armenia has an obligation under international human rights law to protect women from abuses by husbands and partners, or indeed ex-husbands or ex-partners. Failure to do so could make the Armenian State responsible for the violation of women's human rights.

Governments that have ratified the Women's Convention are required to submit reports every four years to CEDAW with details on the implementation of the Convention. Although third and fourth periodic reports to CEDAW were due to be submitted on 13 October 2002, to date they have not been submitted as scheduled. Armenia's last submission to CEDAW was its second periodic report, dated 9 September 1999.<sup>70</sup> CEDAW presented its concluding remarks on this report in August 2002.<sup>71</sup> In these remarks it urged the Armenian authorities to place a high priority on “the introduction of comprehensive and holistic measures to address violence against women and girls in the family and society”. The CEDAW expressed concern that existing legislation on violence did not include any specific provisions on domestic violence and that penalties for rape were very light. It requested Armenia to enact legislation on domestic violence and to ensure that victims of domestic violence have immediate means of redress and protection.

The CEDAW also recommended that measures be instituted to provide shelters for victims of gender-based violence, and for law enforcement officials, members of the judiciary, health workers and social workers to be fully sensitized to all forms of violence against women and girls.

The CEDAW further recommended “urgent and wide-ranging measures, such as the revision of curricula and textbooks and the implementation of awareness-raising programmes, including specific programmes targeting men and boys, to change stereotypical and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society”. It similarly recommended awareness-raising to ensure that all forms of violence against women and girls, including domestic violence, are seen as morally and socially unacceptable.

Other urgent priorities identified by the Committee included the formulation of a comprehensive strategy (and corresponding legislation) to combat trafficking and to improve the situation of rural women.

## 4.2 DOMESTIC LAW

There is as yet no specific law addressing violence against women. Draft laws on domestic violence and trafficking are, however, in the process of being elaborated (see Section 6.3 on the draft law against domestic violence).

The Armenian Criminal Code does not define domestic violence as a separate crime and does not criminalize it. Crimes of domestic violence are prosecuted under more general provisions of the Armenian Criminal Code dealing with assault, battery and bodily harm and murder, and no distinction is drawn between strangers or family members perpetrating violent crimes. While such a gender-neutral approach to the criminal law may work if the law is administered on a strictly equal basis, irrespective of the relationship between, or gender of, the complainant and alleged assailant, in reality, it is assumed that men have the right to use violence against women, therefore an assault by a man against a woman is not really an assault. This gender-neutral approach in the definitions of crimes neglects the key distinction between violent crimes perpetrated by a stranger, and those perpetrated

by a husband and breadwinner, father of children or other relative with whom a woman is in a relationship of economic or other dependency. Articles of the Armenian Criminal Code under which family violence is prosecuted are:

- Article 112, Causing grievous bodily harm, punishable by imprisonment from three to seven years, more in the presence of aggravating circumstances;
- Article 113, Causing medium bodily harm, punishable by up to three years' imprisonment, more in aggravating circumstances;
- Article 118, Battery, punishable by a fine, corrective labour for a period of up to one year or detention for a period of up to two months;
- Article 119, Torture, punishable by imprisonment for up to three years, or up to seven years in aggravating circumstances (these include if the victim is a pregnant woman);
- Article 120, Infliction of grievous bodily harm through negligence, punishable by a fine, correctional labour for a period of up to one year or detention for up to two months, or up to two years in aggravating circumstances;
- Article 121, Infliction of medium bodily harm through negligence, punishable by a fine, correctional labour for a period of up to one year or detention for up to two months, or up to two years of labour and one of imprisonment in aggravating circumstances;
- Article 131, Kidnapping, punishable by imprisonment for a period of up to five years, or 10 with aggravating circumstances;
- Article 132, Trafficking in persons, punishable by a fine, correctional labour for a period of up to one year or imprisonment for a period of up to four years; with aggravating circumstances, for example when perpetrators form an organized group, imprisonment may be extended to eight years;
- Article 133, Illegal captivity, punishable by correctional labour for a period of up to two years, detention for up to three months or imprisonment for up to two years, more with aggravating circumstances;
- Article 138, Rape, punishable by imprisonment for a period of between three and six years; this can be lengthened to 10 years with aggravating circumstances and 15 years if perpetrated against a minor of up to 14 years of age;
- Article 139, Sexual violence<sup>72</sup>, punishable by imprisonment for a period of between three and six years; this can be lengthened to 10 years with aggravating circumstances and 15 years if perpetrated against a minor of up to 14 years of age;
- Article 140, Coercion to perform acts of a sexual nature, punishable by a fine, correctional labour for a period of up to two years or imprisonment for a period between one and three years;
- Article 141, Performance of sexual acts with a minor of up to 16 years of age, punishable by correctional labour or imprisonment for up to two years;
- Article 142, Indecent assault, punishable by a fine, correctional labour for up to one year or imprisonment for up to two years, three years with aggravating circumstances.

In the absence of a domestic violence law or explicit prohibition of domestic violence, the above articles are those commonly used to prosecute domestic violence. None of the above articles, with the exception of the apparent distinction made in Articles 138 and 139 between heterosexual and homosexual rape, is gender-sensitive, nor do any of the articles differentiate between strangers and partners as perpetrators. While there is no explicit prohibition of marital rape, a husband or intimate partner can be prosecuted under the above articles.

Sexual harassment is addressed in Armenian legislation through articles addressing sexual assault

more generally in the Armenian Criminal Code (see above) and in Article 221 of the Labour Code, which states that “violation of the equal rights of men and women or the sexual harassment of colleagues, subordinates or beneficiaries is considered a gross violation of labour norms”. Article 222 provides for disciplinary sanctions against violations of labour norms including reprimand, a severe reprimand and termination of employment. However, the Labour Code provisions do not define precisely what constitutes sexual harassment, defining it only as a violation of labour norms.

### 4.3 STATE RESPONSES

Although the Armenian government has established a formal machinery of governmental agencies and posts addressing women’s issues, understood broadly within a rubric of ‘family issues’, this machinery has not developed into an effective array of tools for fulfilling its purpose, nor do mechanisms for implementation, monitoring or evaluation exist.

There is no dedicated governmental body or coordinating institution tasked with implementing measures to counter domestic or sexual violence in Armenia. Broader gender policies fall within the remit of the Women’s Issues Division of the department for Family, Women and Children’s Issues at the Ministry of Labour and Social Affairs, and the Interagency Commission on Gender Issues and Women’s Council Adjunct to the Prime Minister.<sup>73</sup>

In 2004 the Armenian government adopted a six-year *National Action Plan on Improving the Status of Women and Enhancing their Role in Society* (hereafter, NAP), which included two sections identifying measures to counter violence against women and trafficking respectively. Other sections of the NAP envisioned the extension of decision-making roles to women in government, the improvement of the socio-economic conditions and health of women and addressing media coverage of women and women’s issues.<sup>74</sup> The section addressing violence against women envisaged research into the problem and devising indicators to define violence, the study of best practice in other states, ‘comprehensive’ training for social, health and education workers and law enforcement officials, the institutionalization of professional services for reporting, preventing and coping with the consequences of violence against women (including hotlines, police units and social services centres).<sup>75</sup> The bodies responsible for implementation are the Ministry of Labour and Social Affairs, the Ministry of Culture and Youth Affairs and the Ministry of Health. These bodies, however, do not appear to enjoy sufficient resources to effectively discharge their duties in this field.<sup>76</sup>

In a reply to the UN Special Rapporteur on violence against women, Yakin Ertürk, dated October 2005, the Permanent Mission of the Republic of Armenia to the United Nations Office provided further details of steps undertaken by different Armenian government agencies to address violence against women.<sup>77</sup> Although training activities on violence with teachers and law enforcement officials are mentioned, these activities do not refer specifically to violence against women. The claim that “[i]n the event of complaints of violence..., all incidents are recorded and investigated by the police” is not supported by the testimony given to Amnesty International by women with experience of submitting such complaints to the police; and indeed, if women’s confidence in the police is low, many cases may not be reported to the police. Although it is mentioned that the police “take steps to detect unreported incidents of violence against women”, it is not made clear what these steps entail. Similarly it is not made clear that although it is true that “[b]attered women can also call a telephone hotline”, the only hotlines in existence are those run, hitherto, by NGOs without the support of the government.

The activities carried out under the auspices of the NAP so far appear to have been limited to research on gender-based violence, the study of best practice in other countries, some training for law enforcement officials and a national awareness-raising campaign conducted up to May 2008; the latter involved the organization of a number of round-tables in Yerevan and the regions addressing the theme of domestic violence.<sup>78</sup> Although government officials reported to Amnesty International that the programme had raised awareness of women’s issues, notably among local government officials

hitherto resistant to discussion of the issues, implementation has been obstructed by a lack of finance.<sup>79</sup> It was reported to Amnesty International that only in 2009 would funding be made available for the establishment of a single independent NGO shelter in Yerevan. Violence against women falls within the remit of posts in the Ministry of Labour and Social Affairs and the Republic of Armenia Police, but only within the rubric of 'women's issues' more generally or juvenile crime. In the Ministry of Labour and Social Affairs the Department for Women's Affairs is a sub-department of the Department for Women and Children's Affairs; in the Republic of Armenia Police violence against women is addressed only through the Department for Minors. In 2006 departments on women's issues were opened in all municipalities of Armenia.

With regard to the Armenian government's efforts to combat trafficking, according to the US State Department's Trafficking in Persons Report 2007, although the Armenian authorities increased the use of its anti-trafficking law, they failed to make progress with victim identification and referral or with challenging official complicity in trafficking crimes.<sup>80</sup> An Interim Report published since the 2007 report again noted that the Armenian government continued to "fail to address trafficking-related official complicity and did not vigorously investigate or prosecute official corruption as it relates to trafficking".<sup>81</sup>

Even if implemented as envisioned, however, activists from women's NGOs believe that the NAP lacks effective mechanisms for monitoring and implementation.<sup>82</sup> They fear that the NAP might have a detrimental effect by raising public awareness of the issues, without adequate enforcement and accountability mechanisms to implement measures aimed at addressing the issues. At present, therefore, state activities in the field of combating violence against women appear to be limited to intermittent public awareness measures, the collation of data relating to recorded incidents of violence in the family (see Section 5.5 for discussion of data received by Amnesty International from the Prosecutor General's Office) and discussion of the draft law. Indeed, the need for the draft law to be adopted first, before infrastructure can be created, was cited by one official as a further obstacle to implementation of the NAP.<sup>83</sup> However, Amnesty International believes that the establishment of the necessary infrastructure cannot be made contingent on the prior adoption of the law. The existence of this infrastructure would, for example, facilitate the effective use of existing articles in the Armenian Criminal Code addressing violence more generally in prosecuting cases of violence in the family.

## 5. OBSTACLES TO JUSTICE

*“Victims are vulnerable: when she sees that everyone in society blames her, she says alright, I’ll just live with it, I won’t seek justice.”<sup>84</sup>*

Women subjected to domestic and sexual violence in Armenia confront a number of barriers to defending themselves from violence. It is difficult for women to report violence in the family as a crime because of the absence of a public discourse clearly condemning domestic violence and identifying it as a crime, and the stigmatization associated with making such violence public. In Armenia reporting domestic violence is widely equated with ‘destroying the family’ and is strongly stigmatized. Women interviewed by Amnesty International reported fears of increased violence, social isolation and pressure to withdraw their complaints and of being divorced on economically disadvantageous terms if they reported violence to the police. Other barriers include an apparently institutionalized culture of encouraging women to drop formal complaints against abusive partners and the absence of effective training among health workers, police, prosecutors and others who encounter domestic violence during the course of their professional work.

### 5.1 NON-RECOGNITION

Non-recognition of violence against women as a crime or violation of a human right is a key obstacle to justice, as acknowledged in Armenia’s 1999 report to CEDAW, and is reported by NGO activists working in this field.<sup>85</sup> Those conducting interviews for the 2007 Women’s Rights Centre survey reported to Amnesty International that one of their dilemmas was that respondents did not identify the treatment they had been subjected to as domestic violence.<sup>86</sup> This speaks of the urgent need to institute public education measures making both women and men aware that domestic violence is a crime, and making women aware of their rights and of ways of redress.

Where sexual violence is concerned, many women find it even more difficult to recognize rape or sexual assault by a husband or intimate partner as a crime or human rights violation. Lara Aharonian, director of the Women’s Resource Centre, pointed out: “Most women who have lived this reality [of being subjected to sexual violence] thought it was normal, that when you marry you have to do whatever your husband wants you to do.” Introduced to the concept of marital rape at the Women’s Resource Centre seminars, participants asked “is that rape?”, “can I say no to my husband?”<sup>87</sup>

### 5.2 “KEEPING IT IN THE FAMILY”

Survivors of domestic violence face powerful disincentives to making domestic violence ‘public’. Women in Armenia feel strong pressures to “keep it in the family”, as the social disgrace associated with separation or divorce is worse than that associated with domestic violence. These social attitudes emphasize the view that domestic violence is a matter to be resolved within the family and without external intervention, reflected in the fact that 88 per cent of respondents to the Women’s Rights Centre survey believed that domestic violence is best resolved within the family and not taken to the police.<sup>88</sup>

*My daughter sometimes asks me why I resigned myself to this fate. I don’t know how to explain to her that there has never been a divorce in my family, my grandmother and grandfather lived together for 60 years and my parents won’t understand it if I leave my husband. And where would I go? The flat is registered in his name although it’s me who has paid for it for the last 10 years. But it goes beyond that – I just cannot allow myself to be a ‘divorcee’. A husband, whatever he’s like, is still a man in the home and his presence gives you some status in the eyes of the people you know, neighbours, relatives... These stereotypes are still strong in our society and I haven’t outgrown them myself. (M.)<sup>89</sup>*

Several NGOs reported to Amnesty International that the perception that women’s rights are

necessarily subordinate to family values has strongly influenced their strategies, especially so outside of the capital. In the words of one, “children are the key entry point for a public discourse on domestic violence.”<sup>90</sup> It is only by raising awareness of the impact of domestic violence on children’s lives that NGOs in this field have been able to avoid the stigma of ‘attacking’ the Armenian family. For most Armenian women subjected to domestic violence, however, the injunction to remain silent for the sake of the family remains extremely strong:

*I put up with his beatings for 14 years because that’s what’s expected here in Armenia. In the Armenian family the woman has to put up with everything, she has to keep silent. The fact that I did something about it, that I went to the police and divorced my husband – people in my village point at me and say she’s crazy, look at what she did to her husband, she should have kept quiet. It’s a stereotype, a national stereotype maybe, I don’t know, that if a woman goes to the police or the courts, she’s destroying the family. (D.M.)*

If social penalties for reporting domestic violence are significant, they are even more so for women reporting sexual violence on the part of their husbands or intimate partners. In the words of one Armenian NGO activist: “No self-respecting Armenian woman would ever complain to the police of sexual assault by her husband”.<sup>91</sup> This claim is supported by the experience of the Armenian Caritas NGO in Armenia’s second city Gyumri. During the course of Armenian Caritas’ two-year project providing support to survivors of domestic and sexual violence between 2002 and 2004, not a single case of sexual violence was reported to the programme’s sexual violence counsellor.<sup>92</sup>

The stigmatization of rape victims is a major factor in the under-reporting of rape. The Women’s Rights Centre survey mentioned above found that of 6 per cent of respondents reporting repeated or regular severe physical abuse, half of this figure (2.9 per cent) reported being forced to have sex. According to information received by Amnesty International from the Deputy Prosecutor General of the Republic of Armenia, there were four convictions of husbands or intimate partners under the articles of the Armenian Criminal Code dealing with rape and sexual assault in 2006-2007.<sup>93</sup> These figures suggest a very wide shortfall between even the reported extent of sexual violence by an intimate partner in a survey (itself under-reported) and the prosecution of these crimes.

Lara Aharonian of the Women’s Resource Centre has emphasized the culture of blaming the victim in cases of sexual assault as a barrier to justice: “the first question that police, prosecutors and judges ask is ‘what did you do to encourage this?’”. In a recent case of a sexual assault on a volunteer worker with the Women’s Resource Centre, a girl reporting an attempted rape (in this case by a stranger) was asked “maybe you forgot to close the door?” Such attempts on the part of law enforcement or judicial officials to dismiss allegations of rape or other sexual assault must not be tolerated and should be considered misconduct with appropriate disciplinary penalties. These attitudes speak of the need for a wide-ranging public awareness campaign establishing the criminal nature of sexual violence, including within marriage, and for professionals within the criminal justice system to be specifically trained to appropriately address the needs of women seeking justice for sexual violence.

The widespread emphasis on reconciliation in cases of domestic violence preserves the integrity of the family according to its advocates. States indeed have a responsibility to protect family life: Article 10 (1) of the International Covenant on Economic, Social and Cultural Rights requires Armenia to ensure that “the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society”. However, the protection of the family cannot be prioritized at the cost of the right of women and girls to lead lives free of violence. Where the criminal justice system and social attitudes are weighted against women who seek escape from violent relationships, it is women who pay the cost through exposure to continued violence. According to one NGO activist interviewed by Amnesty International this approach is supported by the widespread attitude in Armenia that a divorced family is worse than a family of violence. The tolerance of violence in the family absolves the state of fulfilling its duties to protect individuals from this violence and

transfers the cost to women, and in many cases children, through the physical, psychological and economic impacts of violence.

In a context where there is little or no support provided for women and children seeking to escape violent families this approach may not be irrational. Several NGO activists emphasized the difficulties experienced by divorced women and single mothers in securing independent livelihoods, housing and other kinds of social support. Amnesty International believes, however, that an over-riding emphasis on reconciliation cannot be seen as an acceptable alternative to accessible justice for victims of domestic violence. A holistic approach to the issue is required of the state, which must provide a range of support mechanisms and resources to women seeking to escape violence, including assistance with finding employment and long-term housing.

The indirect costs to society of tolerating violence in the family also need to be considered. A number of NGO activists and officials and women suggested to Amnesty International that Armenia, as a transition country under socio-economic stress, does not have the resources to effectively counter violence against women. The absence of resources was also cited by officials to Amnesty International as the principal reason why implementation of foreseen measures has been limited. While the enactment of measures combating domestic and sexual violence is first and foremost a legal obligation of the Armenian state (and if resources are unavailable, the Armenian authorities then have the obligation to apply to UN organizations for technical assistance), there are also significant indirect social costs associated with the failure to do so. The direct costs of domestic and sexual violence to the state are the costs of support services for the physical and mental health of victims of family violence, including the costs of medical treatment for victims of violence and of running shelters, and the cost of prosecuting violence through the criminal justice system. These costs need to be put in context, and offset against, the indirect costs to society of family violence. These include the impact of family violence on women's performance in employment through absences from work, reduced productivity and lost earnings and taxation, the costs borne by their children either as witnesses or additional victims of family violence, and finally the value placed on human pain and suffering.

A recent study comparing the scale of indirect and direct costs in the Spanish region of Andalucía found that prevention policies, support services and judicial processes constituted only a third of the overall social and economic costs of domestic violence (35 per cent).<sup>94</sup> This study suggests that programmes for the prevention of domestic and sexual violence, support of its victims and the process of securing justice for these crimes are significantly less costly than the social and economic impact of this violence. As the above-mentioned study concludes:

*"The effects transcend the household and family level and extend, like a shadow, over society at large. This phenomenon depletes an important amount of public and private resources that could have alternative uses, provokes material losses to victims, to their most immediate social circle and to firms and the public sector, and deteriorates individual and social well-being."*<sup>95</sup>

In addition, then, to breaching Armenia's obligations under international law to protect the human rights of women and girls, inaction on family violence results in considerable indirect costs to society and its resources.

### 5.3 THE HEALTHCARE SYSTEM

Many women who need medical treatment as a result of domestic violence do not seek medical assistance; according to health workers interviewed by Amnesty International, even those who do often do not disclose the cause of their injuries. This may be out of shame or the belief that medical personnel will not be able to help them. This creates a special responsibility for health workers to correctly identify domestic violence when they encounter it, and to be trained in appropriate responses. Medical personnel are legally required to report domestic violence and do not need the consent of the victim in order to do so. However, in reality few cases of domestic violence are reported by health professionals. In the words of an ultrasound unit director:

*We see the evidence of domestic violence: bruises on pregnant girls, bruises off the face so no one will know. But women will not disclose the violence in front of their husbands, and quite often the husbands ring us up later and explain that she fell in the street... Sometimes we call the police, but they treat this as normal. One policeman told me: 'this is normal, this is an Armenian family'. We report just two to three cases a year.<sup>96</sup>*

It appears to be the case that in the absence of a clear request from the victim for the violence to be reported to the police, health workers feel it is inappropriate for them to intervene by doing so.

Medical personnel do not routinely receive training on how to identify and respond to domestic violence and there does not appear to be an effectively functioning procedure for cross-referral between health professionals encountering domestic violence and the relevant law enforcement personnel. Such cross-referrals as do take place tend to occur via personal contacts, rather than through a formal referral system. Health workers in Yerevan reported having no contact with support services or NGOs in the field of domestic violence. NGO activists further reported the prevalence of attitudes hostile to women seeking medical care as a response to family violence. The director of one NGO providing psychological counselling to survivors of family violence reported that "we haven't found a psychologist who is not sexist, macho or homophobic".<sup>97</sup>

## 5.4 INADEQUATE POLICE RESPONSES

*An Armenian man always has the last word.* (Police officer, Gegharkunik region)

While general social attitudes penalize a woman who seeks redress against an abusive husband, responses from law enforcement agents can further deter a woman from seeking justice – and even, in some cases, pressurize her into withdrawing a complaint. During its research in Armenia in February and July 2008 Amnesty International learned of a variety of ways in which police prevent domestic violence complaints being pursued through the criminal justice system. One way is simply reluctance to become involved: Amnesty International received reports from representatives of international organizations engaged in police training that senior police officers with 20 years of experience report never having dealt with a single case of domestic violence in the course of their careers.<sup>98</sup>

In other cases police reportedly accept and enforce the view that domestic violence is an internal 'family matter' that should not be publicly pursued. Some women reported to Amnesty International being actively pressured to withdraw complaints:

*When I went to the police it was the middle of the night and the police didn't take it well, us turning up like that. They thought I was to blame, because it is not accepted here that a woman should make a statement to the police about her father-in-law. That's not accepted here, that the police, the state should protect us. The police... tried to persuade me not to take it further, that my father-in-law was an old man, and so on and so on... But it didn't work. Then the prosecutor told me that this was a family household dispute which we should resolve ourselves. Then he tried to blackmail me. He said that if I took this further it would have an impact on my children. The implication was that if one of my children wanted to become a lawyer or something, they wouldn't get very far with this baggage. And I retracted my statement for that reason.* (A.D.)

Amnesty International interviews with women, NGO activists and police officers suggest that individual police officers often attempt to 'reconcile' husband and wife themselves without reference to formal procedures or guidelines. Local police may attempt various means to put an end to domestic violence. These may include informal warnings to the perpetrator, a plain-clothes visit to the household to 'calm down' the perpetrator, and appeals to communities of elders to resolve conflicts: "we look for the influential elder in the household and ask them to resolve the conflict".<sup>99</sup> Through the use of these

informal family structures, very few cases of domestic violence are registered as official crimes. When asked whether these strategies were deployed on higher instruction or not, one police officer responded: “there are instructions and then there is your conscience”, suggesting that police in local communities see it very much as part of their duty to avoid formal registration of domestic violence. According to a police officer interviewed by Amnesty International in Martuni, Gegharkunik region, a wife who pursues justice through the court system is seen to be a ‘bad wife’ and can only expect divorce and social disgrace if she does so. Police in this area see it as their duty to prevent that outcome: “we do everything we can to avoid cases [of domestic violence] going to court. Children cannot grow up without a father, women cannot live without a husband. Women too try to avoid separation”.<sup>100</sup>

According to formal procedure police may take a signed statement from first-time offenders that they will cease the abuse; the signed statement carries no official legal sanction, but abusers are then closely watched to check compliance. However, this procedure was widely reported to Amnesty International by women as being ineffective. Although the procedure is technically restricted to first-time offenders, some women reported its use long after violence had become ‘normal’ in their relationship. Other women reported that the signed statement did not serve as an effective deterrent to abusive partners, particularly in the absence of diligent police monitoring and follow-up:

*I was married for 15 years and it was in 1994 that our problems began. I have six children. I love children and when I was first pregnant I was told I might have problems with child-bearing. So I was always happy to be pregnant. But my husband didn't want so many children, he would have been happy with two or three. I ran away several times to escape the beating. I would live for weeks or even months at a time with my parents, with relatives. I went to the police once, and they took a written statement from him. But it carried on for a number of years, and one day he finally beat me up really badly, broke my finger and threw me out of the house. (D.M.)*

Repeated attempts by Amnesty International to meet with the relevant representative of the Republic of Armenia Police in Yerevan in February and July 2007 were unfortunately not successful. Amnesty International also wrote to the Republic of Armenia Police on 19 May 2008 with enquiries regarding the extent of training programmes for police officers on domestic violence, but unfortunately has not received a reply. The *National Action Plan on Improving the Status of Women and Enhancing their Role in Society* envisages “comprehensive education and training courses for ...law enforcement personnel dealing with women who are victims of violence”. To Amnesty International’s knowledge such comprehensive training has yet to comprise part of the regular training programme for police at the Armenian Police Academy. Although broader modules on human rights issues have been introduced, there are no modules on domestic violence.<sup>101</sup> Beyond training, Amnesty International believes a review of police practice, with a view to clarifying standard procedure in responding to allegations of domestic violence, is necessary. Where police officers have failed to fulfil their duty in investigating such allegations, they should be liable to enforceable sanctions for dereliction of their duty. Having noted the above, Amnesty International acknowledges the reported readiness of police personnel to take up this issue. Women’s NGO activists across the country reported good relations with local police forces and enthusiastic responses to training programmes on how to cope with domestic violence.

There are no dedicated units addressing violence against women, or indeed responsible persons with a formal remit in this field. Instead, violence against women is tangentially addressed by inclusion within the remits of those responsible for juveniles and the impact of domestic violence on children. Representatives of international organizations assisting with the training of police in general reported to Amnesty International resistance to the introduction of female police officers in ‘frontline’ roles; women are allocated roles only in those structures addressing juvenile crime.<sup>102</sup> There is urgent need to move beyond sporadic or occasional training in this field to make the policing of domestic violence an integral aspect of the training of all community police officers, and to incrementally raise the

number of female police officers in this role.

## 5.5 THE ABSENCE OF INITIAL PROTECTION MEASURES: SHELTERS AND CRISIS CENTRES

*Going to the shelter was the first step. The shelter allowed me to make that first step, to say enough, I can't live like this anymore. (P.N.)*

Temporary shelters for victims of domestic violence are an important instrument in the protection of the human rights of women, and in providing for their immediate safety in a high-risk situation. There are currently no state-run shelters in Armenia, although Amnesty International has been informed by the Ministry for Labour and Social Affairs that budgetary allocations for the opening of a state-run shelter are foreseen for 2009.

A number of NGO-run shelters have operated intermittently since 2002, when four shelters opened with the support of USAID funding, "only to be heavily criticized for making this issue public instead of leaving it inside the family itself."<sup>103</sup> Two shelters were opened in Yerevan by the Maternity Fund of Armenia and the Women's Rights Centre (WRC). A third shelter was opened by Ajakits in Gyumri, while a fourth was opened by the Martuni Women's Community Council in Martuni (for further details about these NGOs, see Section 6.1).

The Maternity Fund's 'Mother and Child House' offered 12 places for victims of domestic violence to stay for periods of up to three months. Over one year 28 women and 42 children were accommodated at the shelter.<sup>104</sup> The Maternity Fund's 'Hope' centre also offered the services of one professional lawyer, a psychologist, a physician and a social worker. The WRC shelter had capacity for up to five families, and would offer accommodation for periods ranging from one night to several weeks. Between 1 May 2006 and 25 January 2007 the shelter hosted 43 people (19 women and 24 children). The shelter offered psychological counselling services to help victims of violence recover from their experience, as well as legal advice and assistance with training and finding employment. The other shelters offered similar services on a slightly smaller scale.

*You know when I first imagined the shelter I thought it would be like some student halls, some awful room somewhere. You know, because you are already in such a dreadful mental state, and you're worried about the children and what will it be like for them? Are we all going to be cooped up in some tiny room together? I was going out of my mind. And then when I came to the shelter, I saw that it was a beautiful house, with a courtyard, with trees, there were bedrooms and a living room, it was like a home, not a hotel. It was cosy and warm, like a family home. That was so important. (P.N.)*

In the absence of any financial or other support from the state donor funding cycles have proved a key obstacle to the sustainable operation of shelters. All of the shelters mentioned above were reported as having closed in February 2008, although Amnesty International encountered uncertainty within the NGO community as to which shelters were still operational. Only the WRC shelter was confirmed as having re-opened in September 2008 after securing more funding.

The establishment of a network of shelters must be a key element in government strategies to protect women from violence. Shelters need to provide an adequate referral service for women needing medical, psychological and legal assistance to secure a home without violence. Shelter provision is not a catch-all solution, however. Exclusive reliance on the use of shelters in rural areas is problematic, due to the low probability of keeping a visit to a shelter secret: "[i]n traditional areas no one goes [to a shelter] because it's even worse for you when you go back. In Yerevan you can hide but in the regions everyone knows each other, so the methodology of shelters is wrong. There we need to work with different institutions, like the police, formal institutions which can intervene."<sup>105</sup>

## 5.6 IMPUNITY FOR PERPETRATORS OF DOMESTIC VIOLENCE

### **The UN Secretary-General has observed:**

State inaction with regard to the proper functioning of the criminal justice system has particularly corrosive effects as impunity for acts of violence against women encourages further violence and reinforces women's subordination. Such inaction by the State to address the causes of violence against women constitutes lack of compliance with human rights obligations...<sup>106</sup>

According to the information available to Amnesty International, relatively few cases of domestic violence come to court compared to violent crimes perpetrated in other contexts. Women and NGO activists further reported that many cases do not reach the stage of prosecution on account of pressure on the victim to withdraw her complaint. Amnesty International is concerned that proceedings against perpetrators of domestic violence may only be initiated following a complaint by the victim. Police are not empowered to intervene without a written application from the victim; if neighbours or relatives approach the police, they are not allowed to initiate proceedings. The onus is therefore on the victim to lodge the complaint, which for the many reasons discussed in this report, can be very unlikely. Furthermore, proceedings are terminated if the complainant is considered to have been 'reconciled' with the accused, which, as noted above, she is pressured to do.

Criminal cases that are prosecuted tend to involve particularly serious physical injury or death. According to information supplied to Amnesty International by the Prosecutor General's Office, in 2006 and 2007 a total of 63 men were convicted of a range of crimes against their wives or female partners under those articles of the Armenian Criminal Code used to prosecute domestic and sexual violence. These included eight cases where women were murdered by their husbands or intimate partners, and 47 cases of prosecutions under Articles 112, 113, 118 and 119 (grievous bodily harm, medium bodily harm, battery and torture).<sup>107</sup> These convictions represent 1.3 per cent of the total number of convictions handed down in Armenia in 2006-2007.

In its letter to Amnesty International of 20 June 2008 the Prosecutor General's Office stated that "[d]uring 2006-2007 the number of cases where men murdered women who were their wives or intimate partners are few in number, accordingly the legal cases were also few in number". While this may be the case where murder is concerned, Amnesty International is concerned that at lower levels of violence a significant number of crimes go unreported, and where they are reported, complaints do not reach the courts on account of unsympathetic attitudes to victims of domestic violence and the lack of confidence among victims that they will secure justice.

During the course of its research for this report Amnesty International encountered a deeply rooted culture of reluctance to report crimes of violence against women, not least among women themselves. The culture of non-reporting reflects attitudes that a woman reporting domestic violence is "not a good wife". In one region of Armenia, law enforcement officials reported that where a woman's complaint of domestic violence resulted in a prosecution, she would as a matter of course face divorce by her husband.<sup>108</sup> These pressures against the prosecution of violence against women through the criminal justice system mean that official statistics of prosecutions cannot be taken as evidence of the limited nature of the problem. As one government official observed, this also means that prosecution rates cannot be taken as a quantifiable indicator of the success or failure of measures to counter domestic violence.<sup>109</sup>

As noted above there were four convictions for crimes of sexual violence in 2006-2007, two under Article 138 (rape) and two under Article 139 (sexual violence). There were no prosecutions under Articles 140-142 (coercion to perform sexual acts, sexual activity with a minor and indecent assault) nor, to Amnesty International's knowledge have there been any prosecutions under Article 221 of the Labour Code (dealing with sexual harassment). In the light of these statistics there are serious concerns regarding pervasive impunity for crimes of sexual violence perpetrated against wives or

intimate partners, and crimes of sexual harassment in the workplace.

To Amnesty International's knowledge there are no provisions in place to protect victims of domestic and sexual violence from pressure from the perpetrator to drop the case. International experience has shown that if the initiation of criminal proceedings and their pursuit depend on a female victim of domestic or sexual violence, she faces pressure and sometimes intimidation to cease proceedings. In light of this, the international community has stressed that "the primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence".<sup>110</sup> While women of course retain the right to initiate prosecutions, it is the responsibility of the state to initiate criminal investigations where there is suspicion of crime and prosecutions where there is evidence of a crime. Victims of such crimes may then be called as witnesses in cases initiated by prosecutors, contributing to victims' safety. Women should nonetheless retain the right to refuse to be a witness, the reasons for which (including fear of further and aggravated violence, the loss of her home, economic isolation and so on) should be examined impartially and with a view to providing solutions where possible.

Impunity for perpetrators of domestic and sexual violence perpetuates these crimes and prolongs women's exposure to them. There is an urgent need for the authorities to send a clear signal to society that these are crimes and human rights abuses. Active steps need to be taken to increase the capacity of law enforcement agencies and the judiciary and to enforce their duty to respond appropriately to allegations of crime by women reporting violence.

## 5.7 CIVIL LAW CASES

In many instances filing for divorce is the path chosen by women seeking to escape a violent or abusive relationship. Such proceedings may take a long time, and while they are pending the risk of renewed violence is especially high. Yet women interviewed by Amnesty International reported the lengthy, drawn out nature of applications for divorce, and the failure of the courts to recognize risks facing women in the process of seeking divorce.

*My only wish over the last five-six years has been to divorce this man and never see him again. But I still can't manage it, I can't get away from him. When I said I wanted a divorce he beat me up and told me 'you don't have the right to divorce me!' [...] Five years I wanted a divorce, and there was nowhere to go. When I filed for divorce a hearing was fixed and I went along, but my husband didn't come. The judge set a second hearing, but again he didn't come, and a third time, and so on. The courts don't want you to divorce. That's their position, they don't want the family to split up. So they always give time for reflection, they don't want to see you divorcing. (P.N.)*

Amnesty International believes that cases filed by women at risk of further violence should be prioritized by prosecutors and courts. Prosecutors and judges need to be trained to recognize when a civil law case is motivated by domestic violence or risk of its repetition. Securing the safety of the woman and any dependants should be a matter of priority in such cases.

## 5.8 LONGER-TERM SOLUTIONS

For a variety of reasons many women are not able to permanently leave violent partners and remain locked in relationships of economic dependence on them. For many the dilemma is the absence of alternative housing and means of economic sustenance.<sup>111</sup> Many women lack independent financial means to rent or purchase alternative housing, and relatives are sometimes unable or unwilling to take abused women and their children in on a permanent basis.

For others the dilemma lies in securing their share of property commonly owned with former husbands. Even in cases where women have successfully divorced their husbands, they may continue to live under one roof with their former abuser in order to retain their share to commonly held property. In

many cases the family home may belong to the husband or his relatives. Although men and women are equal before the law in terms of property and inheritance rights, properties are traditionally passed on to male heirs in Armenia. Only property acquired during marriage is considered common property to which the wife has an equal claim. However, even in such cases Amnesty International encountered cases where former husbands would not agree to a post-divorce division of common property, forcing their ex-wives to continue co-habitation:

*With the help of the shelter I applied for divorce and managed to divorce. But I still live in the same property as my ex-husband as it's a big house and I put a lot of effort into building it, and I don't want to lose that. If I was to move out I and my children would lose the house. (D.M.)*

*I found out about the hotline by chance. I came here and agreed with the lawyer that divorce would be the best option. I wanted my husband to undergo treatment. Now we live in the same flat still because there's a problem with my registration as joint owner of our property. Divorcing him hasn't made any difference because I can't live independently. I can't go to the police, because when I say I'm going to call the police it gets worse, he slams doors, throws things around. (K.D.)*

Brides who move to rural settlements to marry their husbands are especially at risk of having their rights to joint property violated by local government and judicial institutions dominated by local clans. Amnesty International learned of one case where a woman's claim to her share of property constructed after marriage was blocked by relatives of her ex-husband in the local court in his village in Aragatsotn region. She and her two sons were further removed arbitrarily from the local residency register, thereby losing their residence permit for that location and forfeiting both her right as an ex-spouse and her sons' rights as heirs to the property inhabited by her husband:

*After I decided on divorce I went to a number of lawyers. But the house I shared with my husband was in his village, and the local mayor was against me. He created all kinds of obstacles and refused to give the documentation proving that part of the house was mine. After the divorce my husband got the local mayor to cancel my sons' residency permit for the village. My older son is 16 now, and he hasn't been able to re-register yet, so he hasn't been able to get his passport either. Without his passport he can't travel, apply for visas or get into higher education. (N.S.)*

The fragility of a woman's right to tenure in such contexts serves as a powerful disincentive to leave an abusive relationship.

The Armenian authorities must begin to address longer term solutions for victims of domestic and sexual violence in order to fulfil their obligation to prevent discrimination against women. This should include, but not be limited to, the establishment of viable judicial mechanisms ensuring the fair and timely division of property, non-discrimination in terms of post-divorce residency registration, the provision of accessible vocational training to survivors of domestic and sexual violence, assistance with securing employment allowing financial independence from (former) husbands or partners, and ensuring the availability of adequate and secure housing.

## 6. CHALLENGING VIOLENCE IN THE FAMILY

*When a woman comes to the shelter she is a victim. When she leaves she is no longer a victim, she's a different person, she's a fully-fledged member of society with the same rights as anyone else.*<sup>112</sup>

Most NGO activists whom Amnesty International met with agreed that there had been some improvement in official attitudes towards domestic violence in Armenia in recent years. Whereas denial used to characterize official stances, there is now acknowledgement of domestic violence. In the view of some NGO activists, however, acknowledgement of the *existence* of domestic violence by officials does not translate into acknowledgement that it is a *problem*. One activist recalled the comment of a Republic of Armenia Police official at a training organized by the Organization for Security and Co-operation in Europe on domestic violence in 2001: "If my wife went to a shelter, or rang a hotline, she'd better not come back". While this statement accepts that domestic violence exists, it reverts to traditional gender codes to lay the blame on the victim. More recently, government officials have actively sought to include women's organizations in discussions of the draft law on domestic violence. While this evolving relationship is welcome, Amnesty International is concerned that the Armenian authorities continue to delegate their legal obligations to protect and fulfil women's human rights to NGOs and international organizations.

Since 1997 a small but vigorous number of women's organizations have worked to challenge violence against women through awareness-raising, the establishment of crisis and drop-in centres providing support and referral services to women survivors of domestic and sexual violence, lobbying government for legislative change and documenting cases and patterns of violence against women in Armenia. These activities, especially the more costly running of shelters, hotlines and counselling services, have remained almost entirely dependent on intermittent external donor funding. Although four shelters have opened in Armenia in recent years, none of them has enjoyed sustainable funding, with the outcome that none have remained in continual operation since opening. In August 2008 it was reported to Amnesty International that one shelter was about to re-open, with another two open for strict emergencies only in the absence of renewed funding.

The obligation to states to protect and fulfil women's human rights requires strategies and action in both the realm of legislative change, to ensure that perpetrators of violence against women cannot act with impunity, and the provision of access to shelters, housing and a range of support services to allow women to move on from the physical, economic and psychological harm abusive relationships cause.

### 6.1 NGOS

In the absence of concerted state action to address violence against women, it has been left to women's NGOs to perform multiple roles of raising awareness, documentation, providing support services to victims and running hotlines, crisis centres and shelters – in addition to their work lobbying the government for legislative change and holding law enforcement agencies accountable. A small number of NGOs dedicated exclusively to women's human rights has made an enormous contribution in an often hostile environment, bearing the brunt of public criticism for 'going public' on the issue rather than keeping it private. Early condemnation even within the NGO community for broaching the taboo of violence against women has, however, given way to a more assured place for organizations working in this field.<sup>113</sup>

Several NGOs run crisis centres and referral services, which offer free counselling services, legal assistance and help with training or finding employment, or at least offer a referral to providers of

these services. The approach taken by different centres depends on the local context and their own capacity, but each offers telephone or face-to-face counselling, followed by referral to an appropriate professional if necessary. Centres that have administered shelters have, when those shelters were open, offered an emergency pick-up service, sending a taxi to collect a woman in a high-risk situation and take her directly to the shelter.

There are a number of hotlines operational in Armenia. Between 1 January and 31 August 2007 the hotline administered by the Women's Rights Centre received 380 calls (219 first-time and 161 follow-up calls).<sup>114</sup> Of these just over 50 per cent (193 calls) were reporting domestic violence, of which 41 per cent were reporting physical violence (79 calls) and 4 per cent sexual violence (8 calls). However, not all Armenian women in need can access hotlines because more remote inhabited areas are not linked to the national telephone grid. The cost of advertising hotline services is a major obstacle to making their existence known to the wider population. Women's NGOs told Amnesty International that as yet there is "no concept" of public health announcements and very little experience of cooperation between the state and NGOs in producing them.<sup>115</sup> The costs of producing and airing public announcements are beyond the tight budgets of NGOs and have therefore been dependent on external donor funding.

Without the services offered by NGOs the situation with regard to support services for victims of violence in the family would be much worse. While NGOs are to be praised for their valuable work in this field, this cannot detract from the fact that it is the state's obligation to provide the support infrastructure to prevent and respond to the consequences of violence against women. Furthermore, reliance on NGOs to run shelters ignores the fact that while shelters have a critical role to play, in close-knit societies what is needed are formal institutions, such as the police, with the power to intervene effectively without risking repercussions in local communities.

#### THE WOMEN'S RIGHTS CENTRE

The Women's Rights Centre (WRC) was the first organization to begin work on violence against women in Armenia, opening the country's first hotline and disseminating the first leaflets and public announcements addressing violence against women in 1997. The hotline has continued to function since then. The WRC has run the Women's Support and Drop-in Centre (see below) since 1998, providing legal (including the provision of lawyers), psychological, medical and social support services to women and their children. The WRC has also commissioned survey work documenting domestic and sexual violence, been actively involved in the training of policemen and initiated the movement for the adoption of a law on domestic violence. The organization established a working group to elaborate the draft law (see below), and has implemented an extensive advocacy campaign for the adoption of the law. The WRC has intermittently run a shelter in Yerevan, depending on the availability of external funding; after a period of closure due to funding difficulties the WRC's shelter reopened in September 2008, the only shelter dedicated to victims of domestic violence operating at that time. The WRC's Women's Support and Drop-in Centre (WSDC) registered 264 visits from women (124 first-time and 140 follow-up visits) between 1 January and 31 August 2007. Domestic violence accounted for 199 of these visits; 16 visits concerned sexual violence. The WSDC offers free counselling, legal and employment support services.

#### THE WOMEN'S RESOURCE CENTRE

The Women's Resource Centre was founded in 2003 by women from the diaspora and Armenia. Originally founded at Yerevan State University the Centre was forced to leave the university campus for offices elsewhere in the city, where it was originally based, on account of trainings in sexual education on campus. The Centre provides a referral and support service to women in crisis in Yerevan, and has opened a women's centre in the town of Shusha in the unrecognized republic of Nagorno-Karabakh. The Centre also runs a range of educational and training programmes, as well as round tables and discussion groups addressing gender and sexuality issues, a range of women's clubs and a library. The organization has developed expertise on sexual violence, and operates the Sexual Assault Crisis Centre

Armenia (SACCA), the only dedicated service of its kind in the country. SACCA offers a drop-in service with referrals to the relevant medical staff and counselling and a dedicated sexual violence hotline.

#### THE MATERNITY FUND OF ARMENIA

The Maternity Fund of Armenia began to work on domestic violence in 2001 and between 2002 and 2004 administered the USAID-funded 'Hope' crisis centre with an associated hotline and shelter (see below). Over one year the hotline provided for a total of 820 consultations addressing psychological, social and legal queries from women.<sup>116</sup> Conciliation is the solution favoured by the Maternity Fund in its approach to domestic violence: as well as offering support to victims of domestic violence the Maternity Fund works closely with perpetrators and other family members through family counselling to resolve family conflict and avoid divorce.<sup>117</sup> The organization seeks to avoid the breaking up of families through the use of family counselling with greater emphasis on psychological and economic factors as causes of domestic violence.<sup>118</sup> Since May 2008 the Maternity Fund has received resources from the state to resume its support services for victims of family violence.

#### AJAKITS

Ajakits (meaning 'helping hands') is based in Armenia's second city of Gyumri, in the region of Shirak, and has been engaged in domestic violence work since 1997. Since 1999 the organization has run a crisis centre and 24-hour hotline, and provided wide-ranging trainings on advocacy for women's rights. Ajakits has also operated a shelter, founded with the support of the late Beverly Ramsay and operated with the support of a private US foundation.

#### ARMENIAN CARITAS

Armenian Caritas began work on domestic and sexual violence in 2002 within the framework of a USAID-funded project dispensing grants to six local NGOs. Based in Gyumri, Shirak region, Armenian Caritas operated a hotline, a crisis centre and a shelter, implemented public awareness measures including public service announcements in regional media and organized vocational training for survivors of domestic violence. In 2007 Armenian Caritas has engaged in further public awareness work with the general population through workshops, popular theatre and human rights education through drama. The organization partnered a television production company to create a four-episode soap opera dealing with the theme of domestic violence broadcast on regional television. A representative of Armenian Caritas emphasized public education through sustained and incremental awareness-raising as key to establishing an accepted culture of hotline and support service use in Shirak region.<sup>119</sup>

#### MARTUNI WOMEN'S COMMUNITY COUNCIL

The Martuni Women's Community Council was founded in 2000 in the small town of Martuni in the region of Gegharkunik. The Council addresses domestic violence issues within a broader remit of community development and advocacy work and was a participating organization in the USAID domestic violence project. The Council runs a shelter with beds for up to nine women and children, although representatives informed Amnesty International in July 2008 that the shelter is operating on an absolute emergency basis only due to the cessation of funding. The Council has worked extensively to raise public awareness of domestic violence, and in particular its impact on children, through public service announcements on regional media.

#### OTHER ORGANIZATIONS AND INITIATIVES

As part of a three-year project running 2004-2007 and entitled 'Gender and Politics Programme in the South Caucasus', UNDP Armenia ran a public awareness campaign in 2005 including the training of journalists reporting on domestic violence. The United Nations Population Fund (UNFPA) launched a three-year regional project entitled 'Combating Gender-based Violence in the South Caucasus' in 2008. Within the framework of this project a new, more extensive survey on domestic violence covering 15,000 respondents is planned from August 2008, in conjunction with the National State Statistics Committee.

## 6.2 THE DRAFT LAW ON DOMESTIC VIOLENCE

*“A law on domestic violence must be a functional law. It needs extensive back-up and support to ensure that the law is rooted in social recognition of domestic violence as a crime, as well as on paper.”<sup>120</sup>*

In 2007 the Women’s Rights Centre (WRC) initiated the elaboration of a draft law on domestic violence. The WRC established a working group composed of officials invited from the Ministry of Labour and Social Affairs and the Republic of Armenia Police, legal experts and women’s NGOs to draft a law explicitly criminalizing domestic violence and providing for effective mechanisms to provide protection and support to its victims. A first draft, drawing upon the results of survey work in Armenia, investigation of international legislation in this field, Armenian jurisprudence and police records, was made available for public discussion following its presentation at a roundtable in Yerevan in July 2008. The law provides for an integrated response and support system involving new powers to issue protection orders for the police, and a system of support including counselling centres for victims of domestic violence and shelters. Amnesty International especially welcomes the provision for an authorized governmental body tasked with implementing and coordinating measures countering domestic violence, although the draft law does not currently elaborate on the process by which the composition of this body would be determined and does not define its accountability structure.

Amnesty International welcomes the inclusive definition of family given in the draft law, although the organization would recommend for the definition to include intimate partners who do not reside together. The current draft defines ‘family’ to include both formally registered and unregistered marriages, as well as intimate partners “who reside together on [a] permanent or predominant basis” (Article 2.1). Amnesty International would welcome the inclusion of intimate partners who do not reside together in this article, so as to extend the protection of the law to women not in co-habiting relationships.

Amnesty International commends those responsible for drafting the law on excluding any definitions of the behaviour of victims of domestic violence in the draft law as mitigating factors in the prosecution of domestic violence. Amnesty International further welcomes the mandatory requirement of action on the part of the police upon receipt of allegations of domestic violence (Article 6.1), the requirement for the police to record such an allegation (Article 6.2.3) and for the police to inform family members in contexts where domestic violence occurs or is at risk of occurring of their rights and the measures and services available to them (Article 6.2.8).

With regard to Article 6.2.4 (“[the Police of the Republic of Armenia is authorized to] make preventive registration of individuals, inclined to commit acts of domestic violence and perform preventive-precautionary activities with them”) Amnesty International recommends for the process by which such individuals are assessed to be clearly elaborated, and for the preventive-precautionary activities to be defined. Amnesty International also recommends for the relationship between the counselling centres provided for in Article 8 with the police to be clearly defined. Finally there are some concerns associated with the giving of official warnings which may lead to criminal sanction to children under the age of 18, as provided for in Article 11. This provision needs to be balanced by protection of the right of people (boys) under 18 to a fair trial, for example, by being given access to a lawyer.

## 7. CONCLUSIONS AND RECOMMENDATIONS

### **The Special Rapporteur on Violence against Women (SRVAW) has recommended that:**

States must promote and protect the human rights of women and exercise due diligence:

- (a) To prevent, investigate and punish acts of all forms of VAW whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;
- (b) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all rights and fundamental freedoms;
- (c) To condemn VAW and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;
- (d) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence, including the dissemination of information, legal literacy campaigns and the training of legal, judicial and health personnel...<sup>121</sup>

There is ample evidence in the form of sociological surveys, the caseloads of relevant NGOs and the qualitative evidence gained from interviews with survivors to establish that many women in Armenia experience violations of their human rights because the state fails to prevent, investigate and punish gender-based violence. These sources further offer evidence of sexual violence and sexual harassment, although these phenomena remain significantly under-reported and go largely unpunished. Although some tentative steps have been taken by the Armenian government towards establishing appropriate action plans and institutions to counter the problem, current legislation, mechanisms and procedures are failing to provide victims of domestic and sexual violence with access either to justice or to the health, legal and social services necessary to eliminate violence in the family. Victims of gender-based violence are failed by a criminal justice system that urges them to reconcile with their abusers and allows impunity for domestic and sexual violence.

Amnesty International believes far wider-ranging and better resourced initiatives are needed to protect the right of women and girls in Armenia to lives free of violence. The state's commitment to ending gender-based violence needs to include a commitment to making its officials accountable for playing well-defined roles in the investigation and prosecution of crimes of gender-based violence, including domestic violence. In making recommendations to the Armenian government, Amnesty International is cognizant of the multiple social, economic and cultural factors that leave women in Armenia both at risk of violence and removed from access to justice: these varied factors suggest that a purely legislative approach will not be enough. While Amnesty International welcomes the initiative to introduce a domestic violence law in Armenia, new legislation and its implementation can only be one of a range of measures that Armenia must adopt if it is to fulfil its obligations to protect women from violence and ensure their access to justice and redress. At the same time the current lack of a dedicated law does not excuse the lack of appropriate judicial action under existing laws.

As this report has noted survey data suggests that over a quarter of women in Armenia may at some time experience physical violence in the home, with much higher figures reported for psychological forms of domestic violence. Curbing violence on this scale and challenging attempts to justify it, including by reference to 'culture', are long-term processes. Nonetheless, the scale of the problem,

reportedly insufficient resources and the country's overall political context of 'transition' cannot be adduced as reasons for either state inaction or expectations that violence against women will recede without state intervention as socio-economic conditions improve. It is only concerted action by the state using a range of strategies that can counter the immediate and long-term causes of domestic and sexual violence and provide effective protection and redress for its victims.

Amnesty International urges the Armenian authorities to draw up a plan of action on a range of immediate, short-term measures to ensure the implementation of the relevant national action plan provisions by the stipulated deadline of 2010. Through the provisions of the draft law on domestic violence currently under discussion, and through other measures, such as, for example, a dedicated national action plan on the elimination of violence against women, the Armenian authorities can address the wider-ranging and longer-term issues identified in this report.

Amnesty International welcomes the widely noted acknowledgement of violence against women among state officials with whom the organization met in Armenia. This signifies an important shift from the denial reported in earlier periods. However, there remains an urgent need for the state to apply itself to radically changing wider society's attitude towards domestic and sexual violence. In the words of the UN Secretary-General:

*"To meet their human rights obligations, States must take up the challenge of transforming the social and cultural norms regulating the relations of power between men and women and other linked systems of subordination. States have a responsibility to act as a catalyst for social change and cannot defer this responsibility to civil society groups."<sup>122</sup>*

Today's acknowledgement among a limited number of state officials must form the basis for a much wider-ranging and unambiguous condemnation of violence against women by state officials, through public education and the informing of women of their rights, in order to embed the understanding that domestic and sexual violence are crimes and human rights violations.

## 7.1 RECOMMENDATIONS

### IMPLEMENTING INTERNATIONAL OBLIGATIONS

**In recognition of Armenia's signature and ratification of all relevant international standards, Amnesty International urges the Armenian government to fulfil its obligations, including through:**

- Ensuring the full and prompt implementation of the Concluding Recommendations made by the Committee on the Elimination of Discrimination Against Women (CEDAW) in 2002<sup>123</sup>;
- Compliance with the reporting procedures and requirements of the relevant UN treaty bodies, ensuring that they include data disaggregated by gender;
- Issuing a standing open invitation to the UN Special Rapporteur on violence against women and facilitating access to all government facilities, institutions and officials.

**In the field of legislation, Amnesty International urges the Armenian government to:**

- Make the elimination of domestic violence and compliance with Armenia's obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women a government priority in the field of human rights by criminalizing violence against women in the family, including psychological abuse, beating, rape, including marital rape, sexual assault and other gender-based violence. This should be achieved through the adoption of a law on domestic violence, its prevention and the provision of support to victims;
- Implement with immediate effect existing legislation in the Armenian Criminal Code addressing

violence more generally in order to prosecute crimes of violence in the family;

- Clearly define sexual harassment in the workplace in Armenian law and implement legislation criminalizing it;
- Amend legislation so that the burden to initiate prosecutions in cases of domestic violence does not lie with the victim.

**With regard to the draft law on domestic violence Amnesty International recommends the Armenian government to:**

- Ensure the draft law defines the process by which the composition of the body authorized to implement and coordinate measures against domestic violence would be determined, and that the accountability structure of this body is also defined in the law;
- Extend the definition of family to include non-co-habiting couples so that women in such relationships also enjoy the protection of the law;
- Ensure that the process by which individuals are assessed as potentially committing acts of domestic violence be clearly elaborated in the law, and that the preventive-precautionary activities envisaged for them be clearly defined;
- Ensure that the relationship between the counselling centres provided for in Article 8 and the police is clearly defined;
- Ensure that the provision for official warnings for children under the age of 18, as provided for in Article 11, is balanced by protection of the right of people (boys) under 18 to a fair trial, for example, by being given access to a lawyer;
- Provide training to police, government officials, lawyers and judges on the issuing, monitoring and follow-up of protection orders as envisaged in Article 12 of the draft law on domestic violence;
- Ensure that the adoption of the law is accompanied by a wide-ranging and comprehensive public education exercise informing the public of the new law and its contents.

**In implementing measures to counter gender-based violence, Amnesty International urges the Armenian government to:**

- Ensure that victims of domestic and sexual violence have access to the criminal justice system, without facing pressure to withdraw complaints or 'reconcile' with their abuser, and ensure that crimes of domestic or sexual violence are treated with the same seriousness as violence in other contexts;
- Establish a governmental body tasked with implementing state measures to combat domestic violence, sexual assault and sexual harassment and with coordinating the efforts of different government agencies in this field, as envisaged in the draft law on domestic violence. This body must have sufficient authority and resources in order to discharge its duties effectively;
- Consider the elaboration and enactment of a dedicated national action plan to counter violence against women; this national action plan should expand on the provisions of the current national action plan on the enhancement of women's roles in society in order to provide a more comprehensive framework for measures against gender-based violence;
- Promptly establish a long-term, reliable funding cycle for measures countering domestic and sexual violence in the family, including financial and other support for NGOs. Funds allocated must be realistic relative to the provisions envisaged in national action plans and stipulated in law;
- Ensure that each relevant government agency establishes a focal point on domestic violence and has effective access to the cross-agency body tasked with coordination of all legislation and government programmes relating to domestic and sexual violence;

- Establish an effective cross-referral system engaging different agencies encountering domestic and sexual violence, including police, health workers, legal aid centres, shelters and crisis centres;
- Ensure universal access across the country to hotlines providing support and referral to victims of domestic and sexual violence;
- Ensure access for victims of domestic and sexual violence to support services through a nationwide network of crisis centres and shelters offering advice and protection. Measures of protection should include: access to a confidential advice service, by telephone or in person, on issues including civil and criminal rights, social and health services. Counsellors offering this service should be trained and have links with the relevant agencies, including the police, social services, legal expertise, health and housing services, so as to be able to provide a swift referral service;
- Establish viable judicial mechanisms ensuring the fair and timely division of property, and ensuring non-discrimination in the post-divorce residency registration of women and children in the location of her choice;
- Provide accessible vocational training to survivors of domestic and sexual violence, assist them with securing employment allowing financial independence from (former) husbands or partners;
- Ensure the availability of adequate and secure housing;
- Establish enforceable standards of best conduct through the funding and provision of mandatory training and guidelines for police, judges and prosecutors in responding to allegations of domestic and sexual violence;
- Ensure that doctors, nurses, midwives, medical students and forensic medical practitioners are trained in the identification of and appropriate response to domestic violence, rape and other sexual crimes;
- Translate, disseminate and include in training syllabuses for health professionals the 2003 Guidelines for medico-legal care for victims of sexual violence, produced by the World Health Organization;
- Ensure the coordinated collation of appropriately disaggregated statistics on domestic and sexual violence and that this data is available to the public;
- Continue cooperation with NGOs, using their experience and expertise in the planning and implementation of projects combating violence against women, and publicly support their work in this field.

**Amnesty International calls upon the Republic of Armenia Police to:**

- Review and evaluate procedures and guidelines for police investigations of cases of domestic and sexual violence in the family to ensure that they are implemented with the same rigour as in other serious crimes. This should include procedures and guidelines for the initial response, the documentation and follow-up of complaints (including those which are withdrawn), evidence gathering, statement-taking and the interview or arrest of suspects;
- Ensure that the failure to adequately respond to allegations of domestic or sexual violence is clearly established among police officers as a dereliction of their duty, and subject to enforceable sanctions;
- Make the policing of domestic violence an integral aspect of the training of all community police officers and disseminate through the police force a code of conduct on best practices in responding to cases of domestic and sexual violence;
- Incrementally raise the number of female police officers in community policing and ensure that female police officers are not restricted in their duties to roles in juvenile crime units.

**Amnesty International calls upon the Ministry of Justice and Prosecutor General's Office to:**

- Ensure that cases in any jurisdiction (for instance whether a civil case involving divorce or a criminal case involving assault) filed by women at risk of domestic or sexual violence are prioritized by prosecutors and courts. If further violence is a risk securing the safety of the woman and any dependents should be prioritized;
- Train prosecutors to initiate and pursue legal proceedings against perpetrators of domestic and sexual violence;
- Allow for female survivors of domestic and sexual violence to be called as witnesses and establish procedures to protect such witnesses from pressure and intimidation;
- Avoid procedures and practices during investigation and trial which would re-traumatize survivors of domestic and sexual violence and discourage them from proceeding with the case;
- Establish witness protection programmes providing protection before, during and after criminal proceedings, which may include, but need not be limited to, the issuing and implementation of court orders to protect complainants and witnesses, and access to shelters where women can be protected from intimidation and reprisals;
- Admit expert testimony from relevant authorities such as social workers and women's NGOs in cases of domestic and sexual violence. Such evidence may include, but should not be limited to: evidence of previous incidents of domestic and sexual violence, evidence of the physical or psychological effects of such violence;
- Ensure that all women who have been subjected to violence are given access to redress and reparation, including compensation and psycho-social and medical rehabilitation.

**In raising public awareness and challenging social attitudes justifying violence against women, Amnesty International urges the Armenian government to continue and increase measures in the area, which may include:**

- The provision of free airtime on state television channels for public service announcements advertising hotlines and other support services for victims of domestic and sexual violence;
- The introduction of a module on violence against women in school curricula, which should emphasize that such violence is a common criminal offence and not a private issue for the family;
- The introduction of awareness-raising measures specifically targeting men and boys;
- The enabling, support and promotion of the recruitment of women lawyers, judges, police officers and health workers in order to counter sexist attitudes commonly reported in these professions;
- A public information campaign about women's rights under the Optional Protocol to the Women's Convention.

# ENDNOTES

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- 1 Survivor of domestic violence, interviewed by Amnesty International, Yerevan, 8 February 2008.
- 2 Minnesota Advocates for Human Rights, Domestic Violence in Armenia (Minneapolis, December 2000), p.4. This report was researched with the organizational support of the Women's Rights Centre, Yerevan.
- 3 See Ukraine: Domestic violence: blaming the victim, AI Index: EUR 50/005/2006; Belarus: Domestic violence – more than a private scandal, AI Index: EUR 49/014/2006; Georgia: Thousands suffering in silence. Violence against women in the family, AI Index: EUR 56/009/2006; Russian Federation: Nowhere to turn to: Violence against women in the family, AI Index: EUR 46/056/2005; Turkey: Women confronting family violence, AI Index: EUR 44/013/2004.
- 4 United Nations, In-depth study on all forms of violence against women: report of the Secretary-General, 6 July 2006, UN Index A/61/122/Add.1
- 5 Articles 1 and 2, UN Doc. A/48/49 (1993).
- 6 Radhika Coomaraswamy, Special Rapporteur on Violence against Women, Report to the Commission on Human Rights, UN Doc.E/CN.4/2003/75, 6 January 2003, para.30.
- 7 Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 84 (1994), paras 1 and 6.
- 8 UN Special Rapporteur on violence against women, Statement to the 58th session of the Commission on Human Rights, 10 April 2002.
- 9 World Health Organization, World report on Violence and Health, Geneva, 2002.
- 10 United Nations, Ending violence against women. From words to action. Study of the Secretary-General, 2006, p.iv. Available at <http://www.un.org/womenwatch/daw/vaw>
- 11 For details of international human rights treaties to which Armenia is a State party, see Chapter 4.
- 12 As a result of the Armenian-Azerbaijani conflict Armenia lost most of its ethnic minority population, resulting in a very high degree of ethnic homogeneity for the region (97.9 per cent of the population was recorded as ethnic Armenian in the 2001 census).
- 13 See Jeffrey Swedberg, "Armenian census figures spark debate but are good news for president", Central Asia-Caucasus Institute Analyst, 27 March 2002; retrieved 24 January 2008 from <http://www.cacianalyst.org/?q=node/140>
- 14 Information from the 2001 census may be found on the website of the Republic of Armenia National Statistical Service at <http://docs.armstat.am>
- 15 Amnesty International interviews with representatives of international organizations, Yerevan, March 2007.
- 16 Amnesty International interviews with representatives of international organizations, Yerevan, March 2007.
- 17 John Hughes, "Decision 2007 Special Edition", Armenianow.Com, Issue 46 (216), 8 December 2006. Available at <http://www.armenianow.com/?IID=1110>
- 18 Amnesty International interview with Armenian women's NGO activist, Yerevan, February 2008.
- 19 Andrea Strasser, "Global Networks and Local Perspectives: Women's Rights in Armenia", unpublished English translation of "Globale Netzwerke - Lokale Perspektiven. Frauenrechte in Armenien", in Kulturelle Dynamik der Globalisierung. Ost- und Westeuropaeische

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Transformationsprozesse aus sozialanthropologischer Perspektive, edited by Johanna Riegler (Vienna, 2005), pp.153-174. Unpublished translation supplied to Amnesty International by the author.

20 United Nations, Ending violence against women, p.31.

21 Quoted from an interview with Irina Kocharian, PhD, teacher at Yerevan State University, Director of the Galatea Centre for Beauty and woman of the month in Armyanka women's magazine, October 2007.

22 Strasser, "Global Networks", p.3. The same was true in the Soviet period: for instance if in 1990 women accounted for 66 per cent of all teachers, there were no women in managerial positions in the Ministry of Education; if women accounted for 90 per cent of junior medical staff, they accounted for only 1 per cent of managerial roles in the Ministry of Health. Aharon Adibekian, "Gendernaya situatsiya v Armenii: istoriya, real'nost', perspektivy" [The gender situation in Armenia: history, reality, perspectives]. Unpublished paper given to Amnesty International by the author.

23 Strasser, "Global Networks", p.3.

24 On the basis of its own media monitoring, the Election Observation Mission (EOM) of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established that less than 4 per cent of political news coverage on public media and nationwide television channels covered female candidates. Republic of Armenia Parliamentary Elections 12 May 2007 OSCE/ODIHR Election Observation Mission Report, available at [http://www.osce.org/documents/odihr/2007/09/26169\\_en.pdf](http://www.osce.org/documents/odihr/2007/09/26169_en.pdf), p.21. In its recommendations, the EOM called for "further significant efforts... to substantially and effectively increase the representation of women in parliament and government" (p.31).

25 Julia Hakobyan, "Making Marks in a Man's World: Armenian women of will say motherhood and statehood are compatible", ArmeniaNow.Com, Issue 42 (212), 10 November 2006. Available at <http://www.armenianow.com/women/overview.html>

26 IFES, Citizens' Awareness and Participation in Armenia. Survey 2004, available at [http://www.ifes.org/publication/9ae776581eb88e76e3448a40c707a1e1/2004\\_Armenia\\_CitizenParticipation.pdf](http://www.ifes.org/publication/9ae776581eb88e76e3448a40c707a1e1/2004_Armenia_CitizenParticipation.pdf), p.35.

27 Strasser, "Global Networks", p.3.

28 Strasser, 'Global Networks', p.13.

29 E.G. Krug et al, World Report on Violence and Health (Geneva: World Health Organization, 2002), p.89.

30 Minnesota Advocates for Human Rights, Domestic Violence in Armenia.

31 Aharon Adibekian, Nasilie v Otnoshchenii Zhenshchin v Armenii (Violence against Women in Armenia) (Yerevan: Women's Rights Centre/Sociometr, 2001), p.76.

32 National Statistical Service, Ministry of Health and ORC Macro, Armenia Demographic and Health Survey 2005 (Calverton, Maryland: National Statistical Service, Ministry of Health and ORC Macro, 2006), pp.217-223. Available at <http://www.measuredhs.com/pubs/pdf/FR184/FR184.pdf>

33 Five reasons justifying a wife's beating were offered in the survey: burning food, arguing with one's husband, going out of the house without the husband's knowledge, refusal of sexual relations and neglect of children.

34 Turpanjian Center for Policy Analysis, American University of Armenia, Domestic Violence and Abuse of Women in Armenia (Yerevan: Turpanjian Center for Policy Analysis/Women's Rights Centre, 2007).

35 Moderate physical abuse was defined in the survey as being restrained, choked, gagged or physically forced against one's will; being hit, punched or kicked; use of an object to hurt the victim; destruction of property or being demanded to have sex. Severe physical abuse was defined as harming of children; forced sex or rape; being strangled, burned or drowned; being threatened or harmed with a weapon or object, arm twisting and hair pulling.

36 Turpanjian Center for Policy Analysis, Domestic Violence and Abuse of Women, p.89.

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- 37 Amnesty International interview with Susanna Vardanyan, Women's Rights Centre, Yerevan, 29 March 2007.
- 38 Amnesty International interviews with women's NGO activists, Yerevan, February 2008.
- 39 Amnesty International interview with women's NGO activist, Yerevan, February 2008.
- 40 The reasons specified were: the wife knows that her husband has a sexually transmitted disease, the wife knows that her husband has sexual relations with other women, and the wife feels tired or is not in the mood.
- 41 National Statistical Service, Armenia Demographic and Health Survey, p.220.
- 42 See Isabella Sargsyan, "Sexual Harassment in the Workplace", Master's thesis prepared for the American University of Armenia, 2007, available at <http://www.aua.am/aua/masters/law/pdf/Sexual%20Harassment.pdf>
- 43 The Network of East-West Women-Polska/NEWW, "Violence against Armenian Women", 17 February 2005, available at <http://www.neww.org.pl/en.php/news/news/1.html?&nw=792&re=2>.
- 44 International Organization for Migration (IOM), Trafficking in Women and Children from the Republic of Armenia: A Study (Yerevan: IOM, 2001), p.10.
- 45 See, for example, Edik Baghdasaryan and Ara Manoogian, "Desert Nights", 16 February 2005, available at <http://archive.hetq.am/eng/society/O502-dub.html>.
- 46 US State Department, Trafficking in Persons Report 2006, available at <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>. Armenia graduated from a Tier 3 to a Tier 2 country in 2003; in 2005, however, it was down-graded to the Tier 2-Watch List, which position it still held in the 2007 version of the report.
- 47 One shelter is operated by the United Methodist Committee on Relief, the other by the Armenian NGO, 'Hope and Help'. For a detailed review of anti-trafficking activities in Armenia see Viktoria Avakova, Hasmik Edilian and Yenok Shatvoryan, Victims of Trafficking Assisted in Armenia (Yerevan: UNDP, 2007).
- 48 Ibid, pp.30-32.
- 49 Amnesty International interview with Yenok Shatvoryan, Hope and Help NGO, Yerevan, 13 February 2008.
- 50 Ibid.; IOM, Trafficking in Women and Children, pp.20-21.
- 51 Amnesty International interview with Armine Mkhitarian, Head of Department, National Institute of Labour and Social Policy Research, Yerevan, 6 February 2008.
- 52 Turpanjian Center for Policy Analysis, Domestic Violence and Abuse of Women, p.80.
- 53 Gayane Abrahamian, "Armenia's Silent Victims", Caucasus Reporting Service No.370, 14 December 2006, published by the Institute for War and Peace Reporting. Available at [http://www.iwpr.net/?p=crs&s=f&o=326150&apc\\_state=henpcrs](http://www.iwpr.net/?p=crs&s=f&o=326150&apc_state=henpcrs)
- 54 Amnesty International, France. Violence against women: a matter for the state, AI Index: EUR 21/001/2006.
- 55 Amnesty International interview with Susanna Vardanyan, Women's Rights Centre, 7 February 2008.
- 56 This quotation is taken from a case reported in Zhenshchina i Politika, published as a supplement to the newspaper Novoe Vremya, November 2007.
- 57 This case history was collected by the Women's Resource Centre and is published on the <http://www.stopvaw.org/Armenia.html> website.
- 58 Bride-kidnapping is distinct from the voluntary elopement of a couple planned by both parties. Reportedly, elopements of this kind may be motivated by economic disparities between families as a

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means to dispense with dowry arrangements.

59 Amnesty International interview with health professional, Yerevan, 1 July 2008.

60 This case history was collected by the Women's Resource Centre and published on the <http://www.stopvaw.org/Armenia.html> website.

61 Ibid.

62 Ibid.

63 Amnesty International interview with NGO activist, Yerevan, 12 February 2008.

64 Amnesty International interview with sociologist, Yerevan, 6 February 2008.

65 Abrahamian, "Armenia's Silent Victims".

66 Strasser, "Global networks", p.2.

67 United Nations, Ending Violence against Women, p.13.

68 CEDAW, General recommendation No.19, 1992, UN DOC A/47/38

69 UN Declaration on the Elimination of Violence against Women, General Assembly 48/104, 20 December 1993.

70 Armenia, Second periodic reports of the States parties, CEDAW/C/ARM/2, 9 September 1999.

71 CEDAW, Concluding comments of the Committee – CEDAW: Armenia, A/57/38, paras.25-69 (Concluding Observations/Comments), 23 August 2002.

72 This is defined in the Armenian Criminal Code as "homosexuality or other acts of a sexual nature, perpetrated against the will of the victim [masculine or feminine] with force or the threat of force against the victim or another person, or on account of the victim's helpless condition".

73 The elaboration of a national policy addressing women's rights, and by implication gender-based violence, began in May 2002 with the creation by prime ministerial decree of the position of Deputy Minister for Women's Issues within the Ministry of Labour and Social Affairs. This post was mandated to coordinate women-related programmes enacted by various ministries and to ensure compliance with the Women's Convention. Two commissions were also created, one to develop a national action plan for improving the situation of women, and one to address the issue of trafficking.

74 2004-2010 Republic of Armenia National Action Plan on Improving the Status of Women and Enhancing their Role in Society, supplied to Amnesty International by the Ministry of Labour and Social Affairs.

75 A separate National Action Plan on Measures against Trafficking in Human Beings 2004-2006 was adopted to address issues in the field of trafficking.

76 Amnesty International interview with Armine Tanashian, Head of Women's Issues Division and Deputy Head of the Department for Family, Women and Children's Issues, Ministry of Labour and Social Affairs, Yerevan, 8 February 2008.

77 Permanent Mission of the Republic of Armenia, Reply to the enquiry by the Special Rapporteur on violence against women, sent to the Government of the Republic of Armenia on 16 August 2005 (G/SO 214 (89-9)).

78 Amnesty International interview with Armine Tanashian, Head of Women's Issues Division and Deputy Head of the Department for Family, Women and Children's Issues, Ministry of Labour and Social Affairs, Yerevan, 8 February 2008.

79 Ibid.

80 US Department of State, 2007 TIP Report Armenia's Country Narrative, available at <http://yerevan.usembassy.gov/news/2007/june/news061207.php>

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- 81 US Department of State, 2007 TIP Interim Assessment, available at <http://yerevan.usembassy.gov/news/2008/march/news031408.php>
- 82 Amnesty International interviews with women's NGO activists, Yerevan, February 2008.
- 83 Amnesty International interview with Armine Tanashian, Head of Women's Issues Division and Deputy Head of the Family, Women and Children's Issues Department, Ministry of Labour and Social Affairs, 8 February 2008.
- 84 Amnesty International interview with women's NGO activist, Yerevan, 1 July 2008.
- 85 Armenia's 1999 report acknowledged that "women who have been subjected to violence probably do not always turn to the law enforcement agencies for help". Armenia, Second periodic Report, p.5.
- 86 Amnesty International interview with NGO activist, Yerevan, 12 February 2008.
- 87 Amnesty International interview with Lara Aharonian, Yerevan, 29 March 2007.
- 88 Turpanjian Center for Policy Analysis, Domestic Violence and Abuse of Women, p.77.
- 89 This quotation is taken from a case reported in Zhenshchina i Politika, published as a supplement to the newspaper Novoe Vremya, November 2007.
- 90 Amnesty International with NGO activist, Martuni, 4 July 2008.
- 91 Armenian NGO activist, interviewed by Amnesty International, 4 July 2006.
- 92 Amnesty International interview with Zhanna Harutyunyan, Armenian Caritas, Gyumri, 5 July 2008.
- 93 Information received by Amnesty International from the Deputy Prosecutor General of the Republic of Armenia, 20 June 2008.
- 94 Elizabeth Villagómez, 'The cost of Domestic Violence: The case of Andalusia in Spain', speech based on Los costes sociales y económicos de la violencia contra las mujeres en Andalucía (Seville: Instituto Andaluz de la Mujer, 2004). Available at <http://app.parlamento.pt/violenciadomestica/conteudo/pdfs/intervencoes/ElisabethVilagomez.pdf>
- 95 Ibid., p.9.
- 96 Amnesty International interview with a health worker, Yerevan, 1 July 2008.
- 97 Amnesty International interview with women's NGO activist, Yerevan, July 2008.
- 98 Amnesty International interview with Carel Hofstra, Politico-Military Officer, Organization for Security and Co-operation in Europe, Office in Yerevan, 2 July 2008.
- 99 Ibid.
- 100 Amnesty International interview with local police officer, Martuni, 4 July 2008.
- 101 Amnesty International interview with Carel Hofstra, Politico-Military Officer, and Sven Holdar, Democratization Officer, Organization for Security and Co-operation in Europe Office in Yerevan, 2 July 2008.
- 102 Ibid.
- 103 Strasser, 'Global networks', p.4.
- 104 Susanna Aslanyan, Crisis Center "Hope" Prevention of Domestic Violence and Support Against Violence Project (Yerevan: Maternity Fund of Armenia, 2004), p.19.
- 105 Amnesty International interview with sociologist, Yerevan, February 2008.
- 106 United Nations, Ending violence against women, p.37.
- 107 Information received by Amnesty International from the Deputy Prosecutor General of the Republic of Armenia, 20 June 2008.

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- 108 Amnesty International interview with police officer, Martuni, 3 July 2008.
- 109 Amnesty International interview with government official, Yerevan, 4 July 2008.
- 110 Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted by the General Assembly by its resolution 52/86 of 12 December 1997, paragraph 7(b).
- 111 Women over the age of 35 interviewed by Amnesty International expressed particular concern with regard to their employment prospects in contemporary Armenia.
- 112 Amnesty International interview with NGO activist, Yerevan, February 2008.
- 113 This is attested by the large numbers of organizations with remits only tangentially connected to violence against women which participate in awareness-raising activities enacted under the umbrella of the '16 Days of Activism against Violence against Women' campaign. In the words of one activist speaking of the 2006 event, "no one was saying now, 'this isn't my issue'". Amnesty International interview with Jina Sarkizova, 11 February 2008, Yerevan.
- 114 Information supplied by the Women's Rights' Centre, Yerevan.
- 115 Amnesty International interview with women's NGO activists, Yerevan, March 2007.
- 116 Aslanyan, Crisis Centre 'Hope', p.11.
- 117 Amnesty International interview with Susanna Aslanyan, Yerevan, 14 February 2008.
- 118 This approach is symbolized in the image depicted on the organization's publicity, which shows a man holding a gift behind his back as a precursor to conciliation with his estranged partner.
- 119 Amnesty International interview with Zhanna Harutyunyan, Armenian Caritas, Gyumri, 5 July 2008.
- 120 Amnesty International interview with NGO activist, Gyumri, July 2008.
- 121 Radhika Coomaraswamy, Special Rapporteur on violence against women, Integration of the human rights of women and the gender perspective. Violence against women, UN Doc.E/CN.4/2003/75, 6 January 2003, para.85.
- 122 United Nations, Ending violence against women, p.38-39.
- 123 CEDAW A/57/38 part III (2002), articles 25-69.



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## **NO PRIDE IN SILENCE**

### **COUNTERING VIOLENCE IN THE FAMILY IN ARMENIA**

More than one in four women in Armenia has experienced physical or sexual violence at the hands of her husband or other family members, according to local surveys. The government needs to do much more to address this shameful problem.

Domestic violence is not a criminal offence in Armenia. There is an institutionalized culture of silence about violence in the family. Women are pressured not to seek justice – by the criminal justice system, by social attitudes and by the failure of the state to fund and provide adequate protection measures. But there is a growing movement for change.

In this report, Amnesty International joins the call from Armenia's civil society to make domestic violence a crime. The report recommends that the authorities provide hotlines, shelters and support services. Training is needed urgently for the police and health service professionals to address women's issues more appropriately.

This report tells the real-life stories of survivors of domestic and sexual violence in Armenia. These women are speaking out: violence against women is a criminal offence and a human rights violation, not a private issue on which to stay silent.

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Index: EUR 54/004/2008  
November 2008

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