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STRUCTURAL AND CULTURAL CAUSES OF GENDER BASED VIOLENCE IN ARMENIA

GOHAR SHAHNAZARYAN,

YEREVAN STATE UNIVERSITY CENTER FOR GENDER STUDIES

WOMEN'S RESOURCE CENTER, NGI

STRUCTURE OF THE PRESENTATION

1. Prevalence of Gender Based Violence in Armenia

1.1 Structural and Cultural Causes of Gender Based Violence in Armenia

1.2 Types of Gender Based Violence in Armenia

2. Manifestation of Domestic Violence in Armenia

2.1 Situation Analyses and Statistics


3. Institutional and Legislative Framework

3.1 Polices and Main Actors

3.2 Recommendations to Combat Gender Based Violence in Armenia


STRUCTURAL AND CULTURAL CAUSUS OF GENDER BASED VIOLENCE IN ARMENIA

One of the primary contributors to gender inequality in Armenia is the persistent disparities in **political, social, and economic** opportunities among women and men. Basic targets of gender equality are yet to be achieved, and engagement of women in political, economic, and public life remains limited. Moreover, during the past few years political and economic participation of women in Armenia has decreased. According to the World Economic Forum's Global Gender Gap Index, in 2014, Armenia was ranked 103th out of 135 countries. In 2011, Armenia was ranked 84th. The overall change seems to be driven by Armenia's deteriorating ranks in economic and political participation of women.

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- ▶ Gender based violence is the cause and the negative outcome of women's multidimensional disadvantages in social and political life. The contributing factors of such comprehensive phenomena as gender based violence can be divided into two main categories: ***structural and cultural.***
 - ▶ The majority of abused women are unemployed, or earn a very low income, and often times do not own property, which makes it extremely difficult to leave the abuser because there is no place for them to go.

ECONOMIC STATUS AND VIOLENCE AGAINST WOMEN

- ▶ Only 56% of women participate in the labor market
- ▶ Women with young children (under 5) are 17% less likely than other categories of women to be economically active
- ▶ Women earn 36% less than men do (compare with 59% in 2002)
- ▶ Armenia has the highest wage gap among men and women in Europe and the Central Asian Region
- ▶ The average monthly per person in women-headed households is 9 400 AMD (\$20) compared with 25 000 (\$50) AMD in men-headed households

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- ▶ 41% of women didn't have any personal income in 2014 compare to 19% of men with no income
 - ▶ Women's participation in ownership remains very low. Only 13% of firms with 5 and + employees are managed by women (below world average)

Gender Assessment. World Bank, Armenia, 2014

Caucasus Barometer. Caucasus Resource and Research Center, 2014


CULTURAL NORMS AND ATTITUDES

- ▶ One of the main contributing factor to gender based violence in Armenia still remains strong in culturally rooted gender stereotypes about role of men and women in the society. According to the World Value Survey (2012) survival values are still very dominant in Armenian society. Survival values seem to be closely interconnected with women's economic disadvantage, poor political representation, and violence against women.
- ▶ The majority of the Armenian population agrees that when jobs are scarce, **men should have more right to a job than women** (65% of men and 48% of women agreed with that statement). Another examples of survival value that might hinder women's economic empowerment and contribute to the reproduction of domestic violence is that 60% of men and 49% of women think that when **women works to pay the children suffer**, more 47% of men and 31% of women agree with the statement that **if a woman earns more money than her husband, it's almost certain to cause problems.**

CULTURAL NORMS AND ATTITUDES

- ▶ According to the Gender Barometer survey conducted in Armenia in 2014, 65% of respondents agree that it is very important for a woman to have a good education. But only 43% agree that successful career is also very important for a woman.

Gender Barometer, YSU Center for Gender Studies, 2014

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- ▶ 80% of respondents think that it is very important for a girl to be a virgin before marriage
 - ▶ 76% believe that the most important mission in life for a woman is to be a mother

Gender Barometer, YSU Center for Gender Studies, 2014

Would you like to have been born a man or a woman if you had another chance?

- ▶ 1% of men would prefer to have been born a woman if they have another choice, and 27% of woman would prefer to have been born a man


Gender Barometer, YSU Center for Gender Studies, 2014

TYPES OF GENDER BASED VIOLENCE IN ARMENIA

- ▶ Violence against Women and LGBT Rights Defenders
- ▶ Sex-selective Abortions
- ▶ Discrimination Based on the Sexual Orientation and Gender Identity
- ▶ Sexual Violence
- ▶ Domestic Violence

Violence against Women and LGBT Rights Defenders

Since 2013, women and LGBT rights organizations became the target of hate speech and attacks. A so-called “anti-gender” campaign initiated by a group called Armenian Parental Committee, started after the adoption of *Law on Equal Rights and Equal Opportunities for Men and Women*. The term “gender” was presented in the Law as a socially constructed and acquired phenomena. Ultra-nationalist groups led by the Armenian Parental Committee started anti-gender propaganda associated gender equality with homosexuality, perversions and even paedophilia. During this well planned smear campaign, women’s rights organizations were called “traitors of the nation”, “threat to Armenian values” and “destroyers of families”.. By generalizing manifestations of this problem, two concepts can be mentioned: defamation and hate speech.



When trying to defend their rights, women rights defenders (both individuals and organizations) do not see the governmental concerns regarding these problems, which are alarming and demonstrate that human rights defenders, and their activities are not so welcomed by the state. A defenders' protection may be reached only by continuous pressure on the responsible bodies to fulfil their obligations. Therefore, it is hard to recall any situation when the state is an initiator of defenders' protection. In the case of defamation, the problem of limits of the freedom of expression arises. In one such case, a women's right protection organization reached the court acknowledgement of the defamation against it, but the parliamentary deputy, who was the chief editor of the media where the defamatory article was published, was not even sanctioned by disciplinary measures, despite the fact that the relevant complaint was presented to the ethics committee.

Sex-selective Abortions as a Gender Based Discrimination


The problem of ***sex selective abortions*** became an urgent issue after demographical statistics were released in 2010. This was followed by critical discussions organized by the UNFPA in Armenia. State statistics show that in 2010, 23,800 boys, and 20,900 girls, were born. According to World Bank Gender Assessment (2014) preference for sons is mostly widespread in the rural areas of Armenia, among less educated population, and among men. The Caucasus Barometer Survey (2010) stated that 71% of respondents in rural areas indicated preference for boy, while in urban areas, the percentage of those who reported preference for boy is 46%.

Some Explanations of Sex-selective abortions

- ▶ A son is a symbol of continuity of the family and nation
- ▶ A son is the main breadwinner and a guarantee of being protected in the future
- ▶ Having a son is a way to establish/reinforce family's prestige and self-respect in the society
- ▶ A son will replace or assist his migrant father to work abroad

Discrimination Based on the Sexual Orientation and Gender Identity

Discrimination, and in some cases violence, based on gender identity is quite widespread in Armenia. LGBT people very often are targets of hate speech, not only in the media, but also by state officials. For example, The vice-spokesperson of National Assembly, Mr. Eduard Sharmazanov, Member of Parliament, Mr. Artsvik Minasyan, publicly supported the attack on a gay friendly bar in the downtown of Yerevan, on May 8, 2013. Both state officials stated that young people who bombed the bar acted in accordance with Armenian national ideology and values. Calls to fight against those who “spread homosexuality” can be heard in the media. Absent of anti-discrimination legislation, and the fact that sexual orientation and gender identity are not considered as bases for hate crime in the Criminal Code of Armenia, makes LGBT people even more vulnerable. Moreover, quite often police, prosecution and judicial bodies do not consider discrimination against LGBT people as a sufficient motive to initiate a criminal investigation.



The situation of LGBT people in Armenia and cases of discrimination and hostile attitudes toward the LGBT community have been recently presented through two comprehensive reports:

Human Rights Violation of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Armenia: A Shadow Report

(http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT_Armenia_HRC105.pdf)

The report of the Danish Institute For Human Rights “*Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity*”


(http://www.coe.int/t/Commissioner/Source/LGBT/ArmeniaSociological_E.pdf)

The first report, which was prepared by ILGA Europe and the local NGO Public Information and Need of Knowledge, was submitted for consideration at the 105th Session of the Human Rights Committee which took place on July 12, in Geneva.

Sexual Violence

Among the multiple manifestations of GBV, sexual violence is the most silenced and provocative form of GBV in Armenian society. Sexuality is a taboo subject in Armenian society. Sexual violence/harassment and assault is rarely officially reported. A survey conducted in 5 regions of Armenia by Women's Resource Center, a local NGO, with the support of Norwegian Ministry of Foreign Affairs (2011), has shown that sexual violence is more prevalent and extreme in the regions of Armenia. In several cases, young women committed suicide after being raped. Based on calls to local NGO hotlines, there was and continues to be, a lack of awareness in all areas in regards to sexual violence. Moreover, the importance of supportive resources and services typically lack critical skills to adequately address the needs of sexual assault victims.


Sexual Violence in the Armenian Society: Social Attitudes and Myths. Women's Resource Center, Armenia 2011




This issue was exemplified by the 2010 case of Levon Avagian, a teacher in the Nubarashen School #11 for children with special needs, who sentenced to only two years in prison after admittedly raping, harassing and abusing his students repeatedly. The 2011 case of an Armenian-American businessman who repeatedly sexually abused minors in Akhtala, Lori, further proved the serious limitation in the legislation in order to prosecute cases properly. In 2014, amendments had been made in the Criminal Code of RA to the Law on Sexual Violence, making it stronger by guaranteeing a fair trial for the victims of sexual violence, and a just punishment for the perpetrators.

MANIFESTATION OF DOMESTIC VIOLENCE IN ARMENIA

According to the UNFPA, a nationwide survey on domestic/partner violence in Armenia (2010), 61% of women were exposed to controlling behaviour, 25% were subjected to psychological violence and 9% were subjected to physical violence by their husband/partners. 60% of respondents mentioned that they have been subjected to domestic violence during their lifetime, and 38% said that they experienced domestic violence in the past two years (OSCE, Proactive Society NGO).




According to the data from Police, 625 cases of domestic violence have been registered in 2012, 578 cases in 2013 and 682 cases of domestic violence in 2014. Out of all of these cases, 405 cases out of 682 cases, it was a husband's violence against his wife, 60 cases of violence against children, 97 cases of children's violence was committed against their respective parents. There are also 5 cases of violence against men, where abusers are women. At the same time, according to the data of Coalition to Stop Violence against Women, 3 000 cases of violence against women were reported only in 2014. 80% of cases are cases of domestic violence. In 2014 alone, eleven women were killed as a result of domestic violence. However, the state fails to prevent, investigate, and punish perpetrators of violence against women.



Domestic violence is still considered to be a private issue that should be resolved without any external intervention. Thus, 88% of the population thinks that domestic violence is a private matter that should be handled as such, rather than through the mediation of any third party. Female victims of violence who asked for help from their relatives and neighbours, quite often are refused of help. Moreover most of the victims were discouraged from calling the police or a hotline.


Amnesty International Report, 2010




It is quite troubling that the percentage of men who believe that it is acceptable to beat a wife is higher among younger generation of men in the age group 16-24 compare to other age groups of men.

There is obvious correlation in the acceptance of attitudes toward wife beating and the level of education of women. 18% of women with basic education compare with 5% of women with higher education tend to agree, that a husband can beat his wife. There is also an interesting tendency found in DHS survey: the more children a woman has, the more likely she is to believe that wife beating is justified. There are also differences in the attitudes of urban and rural population. 11% of women and 28% of men in rural areas tend to justify wife beating compare to 8% of women and 15% of men in urban areas.

Demographic and Health Survey, Armenia, 2010




Since 2011, several high-profile cases of domestic violence have been reported. The case of 20-year-old Zaruhi Petrosyan, who was beaten to death by her husband and her mother-in-law, gained international attention. Zaruhi's husband has been sentenced to 10 years of prison, but the mother-in-law was not charged. The case of Mariam Gevorgyan, who has been severely injured, and physically and psychologically abused by her mother-in-law, is currently in court. The perpetrator-husband of Hamsik Khachatryan was acquitted of the crime. The case of Maro Guloyan who officially committed suicide, but relatives believe Maro was killed. The case has been filed to the European Court.





There is also a positive trend registered in the UNFPA nationwide survey; namely, that more than half of interviewed female respondents agreed that law on domestic violence should intervene in the cases of domestic violence, regardless of the fact that it is a private issue.

INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

Gender based violence has no specific regulation according to the law in the Republic of Armenia. Issues regarding violence are regulated by the Criminal Code of the Republic of Armenia. Legislation on gender based violence is limited to the criminalization of physical violence (Criminal Code of RA, articles 112, 113, 117, 118, 119) and sexual violence (Criminal Code of RA, chapter 18). Legislation doesn't address neither psychological/emotional violence, nor financial/economic violence. Current legislation doesn't protect women in non-marital intimate relationships either. There is no specific law or provision that explicitly criminalizes marital rape, neither there are any exceptions that exempts perpetrator for marital rape under general provisions of criminal law.

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- ▶ Over the past decade, in response to international and local pressure, the RA has also developed national instruments to combat gender based violence.
 - ▶ In June 2011, RA government has adopted the *National Action Plan to Combat Gender-Based Violence for 2011-2015* (here and after NAP), as a continuation of *Gender Policy Strategic Action Plan for 2011-2015* adopted in May 2011. With Gender Policy the RA Government became obliged to ensure equal participation of men and women in all sectors of social life, including political, socioeconomic, educational, health services, etc.

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- ▶ As a response to several high-profile cases of *sexual violence against minors*, in 2009, a local NGO, the Women's Resource Center, submitted amendments to the law on Sexual Violence in the Criminal Code of RA to the National Assembly. The revised law was adopted by the National Assembly in the beginning of 2014.
 - ▶ According to the revised law the statute of limitation has changed, and currently a minor can address the police and sue the abuser as soon as he/she gets 18 years old. Another change is that in case the crime is committed by a person who have custody of the minor, such as parent, mentor, educator, etc, that person should be deprived the right of custody or license or educator.

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- ▶ In the meantime, there is no legislation that specifically addresses sexual harassment and sexual assault, neither there are mechanisms to support implementation of legislation addressing both issues. Legislation doesn't address the issue of sexual harassment in education and public spaces.
 - ▶ There are no civil remedies for sexual harassment. Legislation does not mandate that institutions adopt any preventive measures to combat sexual harassment. There is no protection of women who file claims of sexual harassment. There are no regulations holding institutions accountable to report to the cases of sexual harassment.


Draft on Domestic Violence Law

The draft law on Domestic Violence has been drafted by the initiative of Coalition to Stop Violence. In the draft law:

1. The scope and the goals of the law have been clarified
2. The bodies responsible for the protection from domestic violence have been specified and their power and authority have been itemized
3. The grounds for the application and termination of the special measures for the protection from domestic violence or its prevention, the types of the restrictions being used during the above mentioned measures, time frames and procedure of their application have been amended
4. The provision on mandatory removal of the abuser from his own premises has been taken off from the draft
5. Chapter 8, which was stating the liability for the domestic violence, has been fully removed from the Draft Law, leaving it to the regulation of other laws

Other Policies

- ▶ Strategic Program for Legal and Judicial Reforms in The Republic of Armenia for 2012-2016
- ▶ Law on Equal Rights and Equal Opportunities for Men and Women (2013)
- ▶ National Strategy and Action Plan on Human Rights Protection (2014)



According to NGO representatives, main burden of fighting domestic violence cases and discrimination against women in Armenia is put on civil society. Government is just cooperating in some projects, but doesn't play the major role. At the same time, civil society doesn't have all necessary resources and capacities.

Government adopted the position as an observer and doesn't show any real commitments to fights violence against women in Armenia (information from interviews).

RECOMMENDATIONS

1. To adopt separate Law on Domestic Violence.
2. To develop legal accountability mechanisms to protect victims of GBV and DV and standard investigation and reporting system for especially DV cases.
3. To develop referral mechanisms of protection for the victims of GBV and DV.
4. To develop Family Courts with prepared judges and prosecutors, trained in prosecuting cases of DV and GBV with a comprehensive approach to families and children, which includes a network of social workers and police as supporting staff.

RECOMMENDATIONS

5. To strengthen capacities of Gender Commissions in the regions, as well as the Departments of Family, Women and Children Issues, develop mechanisms and indicators of monitoring and accountability of their activities.
6. To establish a separate committee that will investigate the manifestation of discrimination against women in the public speeches and on TV.
7. To ensure gender segregated data and data on GBV and DV in the surveys conducted by NSS and international organizations working in this area.
8. To implement projects on women's economic and political empowerment.