1. What are the measures taken to implement the recommendations of the last report on Preventing and eliminating child, early and forced marriage (A/HRC/26/22)?

All in all, the Ombudsman analyses individual complains in all aspects of human rights, simultaneously, it should be highlighted that the protection and the promotion of women’s and child rights always under due consideration of the Ombudsman as well. The evidence of which are daily crucial measures undertaken to tackle diverse issues regarding infringements of the rights of women and girls, as well as several projects dedicated to the elimination of all kinds of violation.

A number of cases have been investigated on the infringement of their rights during recent years with regards to which all the immediate measures were undertaken to tackle the raised issues. Furthermore, all these cases on the infringement of the women’s rights as well as different issues related to the protection and promotion of their rights are addressed in the annual reports of the Ombudsman. Annual reports include separate chapters related to child rights and women rights, which comprise a number of recommendations on the child right of concern. In line with other issues early and forced marriage human rights violation matters were included in the annual report of the Ombudsman of 2016, were a number of recommendations were submit indicating the necessity and the extent of making amendments or supplements to the legal act.

1. What are the measures adopted to address the root causes, systematic and underlying factors, such as poverty, insecurity, lack education, of child, early and forced marriage, including in humanitarian settings?

Following the adaptation of the Constitutional Law on Human Rights Defender of the Republic of Armenia in 2016, the mandate of the HRD has been expanded. In line with a number of other capacities the Ombudsman may organise training for the staff thereto as well as for beneficiary bodies and organisations on issues related to human rights and freedoms, according the article 29 of the named Constitutional Law. A special separate unite within the HRDO, the Human Rights Education and Research Centre, which in line with many other duties conducts in-depth analysis of domestic and international legislation, highlights gaps and points that pose issues and hinder individuals to enjoy their rights, based on thorough studies the Centre provides special opinion on various draft laws, as well as it manages training of the HRD staff and other stakeholders on various topics on human rights. To improve understanding of the determinants of human rights violations and to aid the development of violence-prevention efforts the goal is to provide professional studies on various specific topics to different state officials, civil society representatives and other beneficiaries. Obtaining a great deal of knowledge, professional capabilities by sharing best practices on human rights protection not only tremendously assists the human rights situation in the country, the whole processes of preventive and protective measures, legislative amendments frameworks but the enhanced professional capabilities will definitely shape better understanding of the human rights issues, ability to apply appropriate legal measures in case of human rights violations and to find solutions to the problems, which will lead to the elimination of infringements existing in our society.

1. What progress have been made in the enforcement of laws and policies to promote gender equality, prohibit violence against women and girls, repeal discriminatory provisions, and eradicate harmful practices? What concrete actions have been taken to monitor the implementation of all measures?

Following the 2015 Constitutional Amendments a new Constitutional Law on Human Rights Defender of the Republic of Armenia (Constitutional Law) has been adopted in 2016. In pursuance to the new Constitutional Law the mandate of the HRD has been expanded. In line with a number of other capacities powers of the Defender with regard to improving normative legal acts was enshrined in the Constitutional Law. According to Article 29 of the Constitutional Law the Defender has the right to submit a written opinion on draft normative legal acts regarding human rights and freedoms prior to their adoption to the relevant body. Further, in all the cases, during his or her activities where the Defender reveals during his or her activities that issues relating to the human rights and freedoms are not regulated by law or any other legal act or are not fully regulated, the Defender may submit to the body adopting the legal act a relevant recommendation, indicating the necessity and the extent of making amendments or supplements to the legal act. A special opinion on a state strategic and action plan on ‘Equal rights and opportunities between men and women of 2017-2021’ as well as an opinion on recent draft law on ‘Protection and prevention of domestic violence’ has been submitted. It should be mentioned that in the protection and promotion of women rights the Defender not only submits special opinion on different legal acts that specifically target women right but also other normative legal acts are reviewed with a specific consideration of the rights of special groups.

1. What measures have been undertaken to promote girls and women’s autonomy and build the capacity of other stakeholders to promote social norms that support gender equality?

In 2016 the Ombudsman initiated the “Preventing violence against women” project with assistance of the Council of Europe (CoE), which came into life as a result of cooperation with Directorate General of Democracy CoE. During 2016 a number of events were organized in cooperation with CoE. Namely in order to develop and enhance capacities of the staff of the Human Rights Defender exchange of experience with the Georgian Public Defender’s office was organized in Georgia. Staff members of both of these institutions shared their legislation and practical issues, as well as their jurisdiction and experience in combating and preventing violence against women and domestic violence.

Special training was organized in the end of 2016 for the staff of the Ombudsman. International best practices and psychological aspect in working with victims of domestic violence were presented by the international expert followed by group work and interactive participation of the staff members. Armenian NGO representatives were amongst trainers, who shared their experience in working with victims of violence and shared their practical knowledge in this sphere.

Analysis was conducted in 2017 comparing Armenian criminal legislation to the Council of Europe Convention on preventing and combating violence against women and domestic violence aiming at facilitation of the ratification of the given convention. In order to have a greater understanding of the criminal legislation and the implementation, as well as about its gaps, an international expert with assistance of one of the representatives of the Ombudsman’s staff conducted meetings with police representatives, prosecutors, judges and NGO’s. As a result, a report has been drafted which analyses all the relative legal acts and international best practice.

In January 2017 an awareness raising seminar was organised through partnership with the Council of Europe and the UNFPA Armenia. The seminar provided a platform for the exchange of experience and networking among the participants at national and international level.

Generally speaking, the Ombudsman submits annual communications as well as ad hoc reports. Article 31 of the Constitutional law states that during the first quarter of each year, the Defender shall present to the National Assembly of the Republic of Armenia the annual communication on the activities thereof during the previous year, as well as on the state of protection of human rights and freedoms. Annual report documents the state of the human rights in Armenia during a year, where major human rights concerns, grave abuses of human rights that has been taken place during a year, as well as research findings conducted on different human rights themes are encompassed, a separate chapter of which is related to women rights.

Being a National Human Rights Institution the HRD has cooperation with both state institutions and civil society and mass media representatives. Moreover, HRD has adjunct councils where members of NGOs are represented, which also makes it a great platform for cooperation with different stakeholders. This kind of wide cooperation with all the actors in the society is unique, hence the HRD plays a key role in enhancing protective and promoting measures. Collaboration between the Ombudsman and national as well as international organisations is one of the key aspects of the Defender’s initiatives. Undoubtedly, tight cooperation with different NGOs and partner organizations is aimed to facilitate the promotion and protection of human rights and fundamental freedoms. We strongly emphasize the importance of such collaboration, as women support centres and other NGOs promoting and protecting women rights are organisations of first instance where different beneficiaries apply initially and frequently many activities that are undertaken in cohesion with such organisation lead to successful protection of women rights.

It should be highlighted that there is a special focal point in the office, who is responsible for the protection of women’s rights and works in cohesion with women’s rights organisations providing assistance to individuals. This cooperation in analysing individual cases extends to collaboration in different discussions and seminars hat are organised by the named organisations as well as by the HRDO. A successful example of recent cooperation between the HRDO and the women’s rights organisation is a visit to one of the regions of Armenia. The aim of this collaboration is to presented the named organisation’s goals and objectives as well as shared their best practice. A number of meeting were organised with representatives of different local NGOs and indigenous women who have great interest in taking initiatives and strong social position, which hugely enhanced local women’s willingness to take initiatives and have impact on shaping different aspects and tackling various local issues. This project of initiating local women’ rights organisation that will assist local women and facilitate their economic stability is aimed to enhance women empowerment and target various issues in the region.

1. What concrete actions have been taken to provide adequate protection and accountability mechanisms for women and girls at risk and the survivors, including in insecure contexts?
2. What kinds of data have been collected and what kinds of research have been conducted?

Article 30 of the RA Constitution states the principle of equality between women and men, which suggests that women should have equal conditions and guarantees for the realization of their political, social, economic, cultural and other rights. Although the RA legislation clearly states the principle of equality between women and men, cases of violation of women's rights and discrimination against them continue. To date, there are cases of domestic violence, horizontal and vertical segregation against women in the workplace, lack of women in senior management, inaccessibility of medical services and other cases of discrimination against women. The existence of such cases is evidence of the need for continuous and coordinated action aimed at protecting women’s rights in order to change the stereotypes regarding women’s role in the society, women’s abilities to reveal their educational, economic, social and political potential.

With regards to the protection of the women’s right in general it should be noted that they are under key consideration of the Ombudsman. The evidence of which are several projects dedicated to the elimination of all kinds of women’s and girls’ rights violation as well as daily crucial measures undertaken to tackle diverse issues regarding women rights’ infringement.

1. What are the persisting challenges and gaps in the eliminating of the practice? How could such challenges and gaps be overcome?

As a main challenge that occurs during the protection and prevention of discrimination in general is a lack of domestic legislation. The Republic of Armenia has not yet adopted one unified law on combating discrimination in general. Irrespective of the fact that overall different laws within national legislation does not contain discriminatory norms, however our national legislation lacks a law on combating discrimination.

Irrespective of the fact that a sufficient ground of international documents exists, as well as some national laws and codes contain norms to tackle various issue on women rights, nevertheless there is huge gap in current domestic legislation. For instance, our legislation misses a law ‘on preventing and combating domestic violence’. The point is current legislative regulations, where there is no national law on combating domestic violence lead different law-enforcement bodies, and accordingly the Defender to position where according to international norms an issue is spotted, however, it cannot be effectively and comprehensively targeted due to the lack of regulations and remedies. The latter hinders the HRD’s capabilities in preventing and combating violence against women and fighting against the discrimination in all aspects of their life.

Further, it should be emphasised that having laws covering wide range of aspects is one issue, having them comprehended and implemented precisely to the latter of law is yet another issue. One of the main challenges that occurs during the protection and prevention of persons’ rights infringements by the competent state or local self-government body officials upon whose decision or action (inaction) the human rights and freedoms have been violated is a lack of knowledge of a particular area of issue and professional capacities.