

QUESTIONNAIRE

“NON - DISCRIMINATION AND EQUALITY IN FAMILY AND CULTURAL LIFE”

In accordance with its mandate, the UN Working Group on the issue of Discrimination against Women in Law and Practice (hereinafter “the Working Group”) developed this questionnaire to gather information on how laws and practices discriminate against women within the family and cultural life. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men within the family and in cultural life.

Regarding family life, the questionnaire focuses on issues of equality in marriage and rights and responsibilities within the family. In relation to cultural life, the questionnaire addresses issues linked with the right to have access, participate in and contribute to all aspects of cultural life, including arts, sports and cultural activities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”¹. It also establishes the obligation to modify the socio-cultural patterns and gender stereotypes to eradicate all practices based on the inferiority or superiority of either of the sexes as well as to ensure that family education recognizes the common responsibility in the upbringing and development of children.² Moreover, the Convention reaffirms the State obligation to eliminate discrimination and guarantee equality in the cultural sphere.³

In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of all people to enjoy their cultural rights in conditions of equality as well as the right to enjoy the benefits of scientific progress.⁴ Furthermore, the Human Rights Committee in its General Comment 28 on the *Equality of Rights Between Men and Women* also reaffirms that the right to equality before the law include equal status within the family and regardless of marital status.⁵

The UN Working Group wishes to thank all stakeholders for responding to this questionnaire by **31 July 2014**.

Questionnaire

General

¹ Article 16, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981.

² *Ibid* art. 5.

³ Article 1, and 13(c), UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981.

⁴ International Covenant on Economic, Social and Cultural Rights adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force on 3 January 1976.

⁵ UN Human Rights Committee, General Comment No. 28 on article 3 “Equality of Rights between Men and Women”, adopted on 29 March 2000 (HRI/GEN/1/Rev.9 (Vol. I)).

1. What status/hierarchy does your Constitution give to international human rights treaties versus domestic law?

Please explain.

According to the Constitution of the RA, Article 6 point 4 Ratified or approved international treaties are an integral part of the legal system of the Republic of Armenia. If ratified international treaties define norms other than those provided for by laws, such norms shall apply.

2. Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?

Yes () No (v)

If yes, are there plans to withdraw these reservations?

Yes () No ()

Please explain.

3. Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?

Yes (v) No ()

If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life.

Constitution of the RA, Article 14.1

4. Are there any specific anti-discrimination or gender equality laws in your State?

Yes (v) No ()

If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life.

RA Law "On ensuring equal rights and equal opportunities for women and men" adopted by the National Assembly of the RA on May 20, 2013.

5. Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life?

Yes (v) No ()

If yes, please explain and provide examples.

1. Protocol decision N 5 of the RA Government "On approving the gender equality concept" dated February 11, 2010.

2. Protocol decision N 19 of the RA Government "On approving 2011-2015 Gender policy strategic plan and gender policy action plan for 2011" dated May 20, 2011.
3. Protocol decision N 23 of the RA Government "On approving National plan against gender based violence, 2011-2015 strategic plan and 2011 action plan" dated June 17, 2011.
4. RA Law "On ensuring equal rights and equal opportunities for women and men" adopted by the National Assembly of the RA on May 20, 2013.

6. Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life?

Yes () No (v)

If yes, please explain and provide examples.

7. Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State?

If yes, please explain and provide examples.

The following documents relating to the elimination of sex discrimination in family and cultural life of the state were developed and approved by the RA Government.

1. RA Government decision N 242 "On provisions of the programme on improvement of the status of women in the RA" (dated 15.04.0998) and RA Government decision N 406 "On approving 1998-2000 national action plan of the RA on improving the status of women and enhancing their role in society" (dated 26.06.1998).
2. RA Government decision N 645 "On approving 2004-2010 national action plan of the RA on improving the status of women and enhancing their role in society and activity time table of 2004-2010 RA national action plan on improving the status of women and enhancing their role in society" (dated 08.04.2004).
3. Protocol decision N 5 of the RA Government "On approving gender policy concept paper" dated during RA Government session on February 11, 2010.
4. The interdepartmental commission for fight against gender based violence was created by the RA Prime Minister Decision N 213-A dated March 30, 2010, the main objective of which is the increase of efficiency of gender based violence prevention measures, development of data collection and exchange mechanisms, as well as development of National Action Plan "Against Gender Violence".
5. Protocol decision N 19 of the RA Government "On approving 2011-2015 gender policy strategic plan and gender policy action plan for 2011" dated May 20, 2011.
6. Protocol decision N 23 of the RA Government "On approving national plan against gender based violence, 2011-2015 strategic plan and 2011 action plan" dated June 17, 2011.

According to the above mentioned National Plan (point 5, 6) respectively each year a number of activities are carried out aimed at the regulation of the issues.

7. RA Law "On ensuring equal rights and equal opportunities for women and men" adopted by the National Assembly of the RA on May 20, 2013.

8. What actions have been taken by your State to eradicate negative gender stereotypes, including in the media?

Please provide examples.

Each year, in accordance with the national action plan approved by the RA Government, State Government Bodies of the RA, as well as regional self- governance bodies and Yerevan Municipality develop and carry out by various mass media awareness raising activities on the issues of equality between women and men, as well as family violence issues /articles are published, TV shows are organized/. During a year training courses are organized and awareness raising activities with relevant themes are carried out by the Ministry of Labour and Social Affairs of the RA aimed at eradication of gender stereotypes. Such activities are also carried out by other Government Bodies in accordance with the relevant spheres.

8. Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life?

Yes () No ()

If yes, please provide any relevant case-law/jurisprudence.

9. Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?

Yes () No ()

If yes, please provide any relevant examples.

Family Life - Equality within marriage

10. Is there a legal designation of head of household?

Yes () No ()

If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household?

11. Do women have the same rights as men in your State in relation to:

- () The minimum age for marriage – if the age of marriage is different for men and women, please provide information
- () The right to enter into marriage
- () The freedom to choose a spouse and to express consent

12. With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?

Family Code of the RA, Article 10, point 1

13. Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice?

Yes () No (v)

If yes, please explain.

14. Are forced marriages prohibited in your formal and customary laws?

Yes (v) No ()

If yes, please provide any relevant references.

Family Code of the RA, Article 1, point 3, 4, 5

15. Are forced marriages or arranged marriages practiced in your State?

Yes () No (v)

If yes, please explain.

16. Is polygamy illegal in your State?

Yes (v) No ()

If no, is it legal for both men and women?

17. Is the registration of marriage compulsory in the following cases?

(v) civil marriage
() religious marriage

18. Are same sex-marriages allowed in your State?

Yes () No (v)

If yes, please provide references.

19. Are same-sex relations criminalized in your State?

Yes () No ()

If yes, please provide references.

20. Is equality guaranteed between husband and wife in law and practice with respect to:

(v) The right to choose a family name
(v) The right to choose a profession and occupation
(v) The right to choose the place of residence
(v) The right to have and retain one's nationality
(v) The freedom of movement (including the right to travel abroad)

Please provide references.

Family Code of the RA, Article 1, 24, 25

Constitution of the RA, Article 14.1, 25

21. Do both spouses have the same rights in law and practice with respect to:

- (v) ownership of property and land
- (v) management and administration of property and land
- (v) enjoyment and disposition of property and land

Please provide references.

Family Code of the RA, Article 26, 29

Civil Code of the RA, Article 201

22. Are women who get married subjected to any form of male guardianship?

Yes () No (v)

If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?

23. Do parents have same rights and responsibilities regarding to:

- (v) Deciding the number and spacing of children
- (v) Guardianship, wardship and trusteeship
- (v) Adoption of children
- (v) Care of children
- (v) Education of children
- (v) Alimony

Please provide references.

Family Code of the RA, Article 24 point 2,3; Article 29 point 3 and Article 49, 50, 51, 52, 53, 73, 112 point 1,2,3; Article 134

24. Are de facto unions recognized in law in your state?

Yes () No (v)

If yes, please explain in which law(s) and how this is defined.

25. Do men and women have the same legal rights with respect to dissolution of marriage?

Yes (v) No ()

If yes, please explain in which law(s) and how this is defined.

*Family Code of the RA, Article 1, point 3; 13, 17,
Constitution of the RA, Article 35 paragraph 2*

26. Do men and women have the same rights in law and practice when a marriage or union ends in terms of:

- (v) Equal share of the marital property and land
- (v) Custody of children
- (v) Remarriage

Please provide any references.

*Family Code of the RA, Article 1, 17,26, 54, 53
Civil Code of the RA, Article 201*

27. Is it contemplated in the legislation of your State that, in the event of a divorce, women should remain in the family or common household?

Yes () No (v)

If yes, please explain in which law(s) and how this is defined.

28. Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?

Yes () No (v)

If yes, please provide references.

29. Are rights of widow(er)s the same for women and men in terms of:

- (v) Custody of children
- (v) Property and land distribution
- (v) Remarriage
- (v) Freedom to choose residence

Please provide references.

Family Code of the RA, Article 1, 18 point 3; 135

Constitution of the RA, Article 14.1, 25

30. Do women have access to legal aid in relation to family matters?

Yes (v) No ()

If yes, please explain.

Restrictions of rights are not defined in any legal acts concerning family issues for receiving legal support.

Equality within the family

31. What is the legal definition/concept of “family” in your State?

There is no common legal definition of “family”, but it is used in a number of sub legislative acts, respectively in terms of the specific legal act.

32. In law (including customary law) are men and women equal in the family in your State?

Yes (v) No ()

If yes, please provide any references.

Family Code of the RA, Article 1, 24

33. Do men and women have the same social status within the family in your State?

Yes (v) No ()

If yes, please provide any references.

Family Code of the RA, Article 1

34. Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly? If yes, please explain.

35. Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?

Yes (v) No ()

If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?

Issues regarding inheritance of women and men in the family are regulated by some provisions of Civil Code of the RA and Family Code of the RA.

36. Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?

Yes (v) No ()

If yes, please provide any references.

Family Code of the RA, Article 1, 49, 51, 53

Constitution of the RA, Article 35, 36

37. If equality is guaranteed in law and practice, does this apply in all different types of families?

Yes (v) No ()

If yes, please provide any references.

Family equality is guaranteed by law and it is regulated by a number of provisions of the Constitution of the RA and Family Code of the RA.

Violence within the family and marriage

38. Are there any of the following traditional practices in your State ?

- () Female Genital Mutilation
- () Honour Killings
- () Son Preference
- () Dowry Deaths
- () Polygamy
- () Prohibition of work or travel without the permission of a guardian
- () Other

If yes, is there legislation prohibiting such practices in your State?

Please provide any information on other actions taken to eradicate these practices.

39. Is/are there any anti-domestic violence legislation/regulations in your State?

Yes () No ()

If yes, please provide any references.

**Draft law of the RA "On Social Assistance" is submitted to the National Assembly of the RA, which envisages regulations on domestic violence.*

40. Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?

Yes () No ()

**Draft law of the RA "On Social Assistance" is submitted to the National Assembly of the RA, which envisages regulations on domestic violence.*

41. Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?

Yes (v) No ()

1. *Protocol decision N 19 of the RA Government "On approving 2011-2015 gender policy strategic plan and gender policy action plan for 2011" dated May 20, 2011.*
2. *Protocol decision N 23 of the RA Government "On approving national plan against gender based violence, 2011-2015 strategic plan and 2011 action plan" dated June 17, 2011.*

42. Is marital rape considered a crime in the legislation of your State?

Yes () No (v)

43. Is adultery considered a crime in the legislation of your State?

Yes () No (v)

If yes, is it equally punished for men and women?

Please provide any references and further explanation.

45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?

Yes (v) No ()

If yes, do they attempt to change the attitudes of men?

There are more than three dozen public campaigns in the Republic that carry out a number of measures to raise awareness on violence against women and girls

46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence?

Please explain and provide examples.

Each year, in accordance with the National Action Plan approved by the RA Government, awareness raising activities are carried out on the issues of equality of women and men, as well as family violence: round table discussions, publication of information materials, broadcasting of social films, organization of campaigns.

47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?

Yes (v) No ()

If yes, do these include female law enforcement officers?

Department of fight against domestic violence and protection of rights of minors of general department of criminal investigation adjunct to the Government of the RA.

48. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.

49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?

Yes (v) No ()

If yes, are these available to women and girls living in rural and remote areas?

There are four shelters two of which intended for victims of trafficking, the other two for victims of domestic violence. Three of four shelters are in the city of Yerevan and the other one is in Armavir marz. Shelters intended for victims of trafficking are available for everyone.

Cultural life

50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?

Yes. Article 9 of the Law "On Fundamentals of Cultural Legislation" of the Republic of Armenia stipulates: "Participation in the society's cultural life and cultural activities on the territory of the Republic of Armenia is the inalienable right of each person regardless their national origin, race, sex, language, religion believes, social origin, financial or other situation".

Furthermore, males and females (journalists, commentators, and ethnographers) have the right to comment and highlight cultural events in the sphere of cultural heritage, as well as organize and carry out cultural projects and events - festivals, exhibitions, concerts, performances, etc.

51. Are there restrictive dress codes for women which do not apply to men?

No

52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?

Yes. Article 9 of the Law "On Fundamentals of Cultural Legislation" of the Republic of Armenia regulates the issue. Majority of the employees in the cultural institutions are women that occupy executive positions.

53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?

Yes. Article 35 of the Constitution of Armenia stipulates that they are entitled to equal rights as to marriage, during marriage and divorce.

Paragraph 4 of the Article 1 of the Family Code of the RA states: "Legal regulation of family relations is realized in accordance with the principles of free will of a man's and a woman's marital union, the equality of spouses' rights in family, solution of family issues by mutual consent, taking

care about mutual well-being, primary provision of the rights and best interests of minor and incapable family members."

Women played their own role during the mental and creative processes for enhancing the efficiency of the public and local self-governmental authorities.

Thus, women's rights in the Republic of Armenia are protected by the Constitution, laws and every woman is free to manage her daily life and make decisions by her own.

54. Are there any specific actions to recognize and value the contributions of women to culture in your State?

Yes. Women equally with men are praised and nominated for state, ministerial awards and encouragements, particularly in the sphere of art and culture on occasions of international days, national and republican holidays. Moreover, they receive financial support and are involved in different targeted programs.

Annual award ceremony "Hayuhi" is organized in Armenia, within the framework of which awards are handed over. The objective of the award ceremony is to raise public awareness on the carried out works, achievements, problems and further programs.

55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities?

Yes. Those are numerous and diverse, and data on each of them could be provided from different sources, particularly, the information is included in the annual reports provided by the National Statistic Service of the Republic of Armenia.

56. Has your State developed any temporary special measure to enhance the participation of women in arts, science, sports and any other cultural activity?

Yes. "Woman" international film festival which is supported by the Ministry of Culture of Armenia and carried out by the "Lisa" legal gender cultural foundation, is an important event from the gender self-expression standpoint.

57. Are women allowed and encouraged by your state to participate in all sports?

N/A

58. Is any special dress code provided in the legal regulations for all women exercising sports in your State?

N/A

59. Are there any differences in your State in conditions for women's access, to museums, parks, theatres, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men?

No, there are no any differences. Article 9 of the Law "On Fundamentals of Cultural Legislation" of the Republic of Armenia specifies: " In compliance with the regulation stipulated by the national legislation of the Republic of Armenia each person has the right of access to cultural values and have access to the library, museum, archive and other collections".

In addition, the purpose of the Law "On ensuring equal rights and equal opportunities for women and men" of the Republic of Armenia is to ensure the equality of women and men in all spheres of social life by legally ensuring equal rights and opportunities of women and men, eliminating sexual discrimination and establishment of democratic affairs in society. For instance, equal conditions were created for both and men and women for visiting cultural institutions, for instance, 384622 library visitors from 574687 were female readers. 2232 from 2316 employees in the library sphere are female (source - National Statistic Service).

60. Is your state promoting the participation of women in the arts?

Yes. Paragraph 9 of Article 3 of the Law "On ensuring equal rights and equal opportunities for women and men" of the Republic of Armenia defines: "Gender equality - equal legal status of women and men and equal opportunities that provide chance to implement the latter and regardless of their sex to freely use their capabilities to participate in political, economic, social, cultural and other spheres of social life."

The Ministry of Culture of Armenia provides financial support to individuals (writers, painters, musicians, directors, etc) and cultural non-governmental organization for promotion and presentation of their works at international arena.

61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals?

No. The Article 3 of the Law "On ensuring equal rights and equal opportunities for women and men" of the Republic of Armenia states that direct or indirect gender-based discrimination is prohibited in all spheres of public life.