

**Submission to the** **Committee on Economic, Social and Cultural Rights Review of Armenia**

**69th Pre-Session**

***August 2021***

We write in advance of the 69th pre-session of the Committee on Economic, Social and Cultural Rights and its adoption of a list of issues prior to reporting regarding Armenia’s compliance with the International Covenant on Economic, Social and Cultural Rights. This submission includes information on the rights of people with disabilities; violence against women; access to education during the Covid-19 pandemic; protection of education from attack during armed conflict; and on predatory lending practices.

**Rights of People with Disabilities (Article 11)**

Human Rights Watch conducted research on children in institutions in Armenia and has monitored the deinstitutionalization process in the country for several years.[[1]](#footnote-2) In recent years, the government has undertaken initiatives to reunite children in residential institutions with their families, reform and expand the foster care system, and transform or phase out the use of residential institutions. Nevertheless, many children with disabilities remain segregated in specialized orphanages and have not benefited equally from the government’s deinstitutionalization process. An unknown number of children with disabilities live in six private orphanages, with minimal oversight from the government.

Authorities frequently place adults with psychosocial and intellectual disabilities in institutions, including newly built institutions for young adults who age out of children’s institutions. In 2020 the Ministry of Labor and Social Affairs announced its intention to develop alternative care services, but has not yet proceeded with them.

In May 2021, Armenia adopted the Law on the Rights of Persons with Disabilities, which includes guarantees of accessibility, independent living, access to justice, and bans disability-based discrimination. The law, however, did not establish a dedicated accessibility oversight body that would have ensured the law’s implementation.

*Human Rights Watch recommends that the Committee ask the government:*

* What is the current state of plans to end the use of institutions of any size for children and adults with disabilities, without discrimination including on the type of disability, or level of support needs?
* How does the government plan to ensure that financial and other resources allocated to institutions are redirected to community-based services and support to families and children, including those with disabilities?
* What is the government doing to monitor and ensure adequate services and support to children, including those with disabilities, who have been reunited with their families?
* What steps are being taken or planned to ensure speedy and proper implementation of the newly adopted law on the rights of people with disabilities?

*Human Rights Watch recommends that the Committee ask the government to:*

* Adopt and implement an action plan to end the use of residential institutions for adults and children with disabilities, including timelines for closing all remaining institutions.
* Develop state oversight mechanisms over private institutions for adults and children with disabilities and include those institutions in state deinstitutionalization plans.
* Allocate adequate resources for the development of support services, including for personal care assistance, that would facilitate independent living in the community for adults and in the family children with disabilities.
* Adopt a time-bound action plan for the implementation of the Law on the Rights of People with Disabilities.
* Ensure the active participation of persons with disabilities, including through their representative organizations, in the planning, implementation, evaluation and monitoring stages of all of these processes.

**Violence Against Women (Article 3)[[2]](#footnote-3)**

In December 2017, Armenia’s parliament passed a law on violence in the family, putting in place a legal framework to address violence against women.[[3]](#footnote-4) However, women and girls will remain at risk until the government comprehensively changes how police respond to complaints of domestic violence and provides accessible, quality services for survivors.

In 2017 Human Rights Watch spoke with 12 survivors of severe domestic abuse in Armenia. The women said their husbands or male partners punched and kicked them, raped them, struck them with furniture and other objects, confined them in their homes, stalked them, and threatened or attempted to kill them with knives or other sharp objects. Five women said the attacks against them continued during pregnancy; three said they had miscarriages after their husbands beat them.[[4]](#footnote-5)

Those interviewed said that when they reported abuse to police or other authorities, the authorities did nothing to prevent further violence, investigate cases, or hold the attackers accountable. In some cases, the authorities encouraged women to drop complaints and reconcile with their abusers. The authorities did not refer the women for services or assistance.

The 2017 family violence law requires police to urgently intervene “when there is a reasonable assumption of an immediate threat of repetition or the continuation of violence” in the family. But in practice, law enforcement bodies lack awareness and training on protection mechanisms envisaged by the law, such as protection orders, and do not adequately use them.

According to official data, during 2020 the authorities investigated 730 criminal domestic violence complaints. Of these, charges were brought in 345 cases and in 200 of those the husband was identified as the alleged perpetrator. Ultimately 144 cases went forward to trial.[[5]](#footnote-6)

*Lack of Legal Remedies*

Armenian law does not effectively protect survivors of domestic violence. The law defines domestic violence as “a physical, sexual, psychological, or economic act of violence” between family members, including spouses in unregistered marriages. It is not clear if the law applies to couples who are not in either registered or unregistered marriages.

Just before submitting the law on violence in the family to parliament in mid-November 2017, the government revised the law to include “strengthening of traditional values in the family” as a key principle. Authorities also changed the title to add the concept of “restoring harmony in the family.”

The Coalition to Stop Violence against Women, a union of local women’s rights groups, expressed concerns that the new law’s principle of “traditional values” could be used to reinforce obsolete and problematic gender roles and stereotypes. Activists also fear an emphasis on “restoring harmony” could be used to pressure women to remain in abusive relationships. In addition, domestic violence is neither a stand-alone felony nor an aggravating criminal circumstance in the Criminal Code.[[6]](#footnote-7)

The government signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2018, but the ratification process has stalled amidst a campaign by some government officials that promoted blatant falsehoods about the convention.[[7]](#footnote-8)

*Inadequate shelter, rehabilitation and support services.*

Many women said they lived with their abusers for years because they had no means of escape. The country has only two domestic violence shelters, both in the capital, Yerevan, run by nongovernmental organizations, each with a capacity for five women and their children. Council of Europe standards call for at least one specialized shelter in every region, and one shelter space per 10,000 people. With a population of approximately 2.9 million, Armenia should have approximately 290 shelter spaces. The new law mandates creating government-run shelters, but does not specify the number of shelters or their capacity. Armenia also lacks a general hotline service for survivors of domestic violence.[[8]](#footnote-9)

*Human Rights Watch recommends that the Committee ask the government:*

* What is being done to ensure the prompt, thorough, and impartial investigation of all domestic violence cases, using methods that mitigate risks for survivors, and prosecute and punish the attackers?
* What comprehensive and quality medical, psychological, legal and other services are available for survivors and their children?
* What steps are being taken to educate the public about the new law on violence in the family, how to file complaints, and the availability of services?
* What steps are being taken to ensure that domestic violence is a stand-alone criminal offense, which would help to ensure an optimal response, particularly in cases of abusive patterns of behavior in which individual acts of violence do not reach the criminal threshold? Are there plans to amend the law or the criminal code to create a stand-alone criminal offense of domestic violence?
* What are the existing barriers to ratification of the Istanbul Convention that the government has identified, if any, and how does the government plan to address these in order to complete the ratification process?

*Human Rights Watch recommends that the Committee asks the government to:*

* Ratify the Istanbul Convention.
* Ensure immediate access to protection for survivors of domestic abuse through increasing the availability of shelter spaces, including in rural areas, and the issuing of short- and long-term protection orders.
* Implement training for all law enforcement agents and the judiciary about the 2017 family violence law, and put in place measures to monitor its enforcement and impact.

**Access to Education during Covid-19 Pandemic (Article 13)**

In the past year, Human Rights Watch has documented that pandemic-related school closures have affected children unequally around the globe, as not all children have had the opportunities, tools, or access needed to continue learning during the pandemic. We interviewed more than 470 students, parents, and teachers in 60 countries, including 18 in Armenia.[[9]](#footnote-10)

*Teachers and Students Without Reliable Internet or Devices*

For teachers and students living in areas with poor connectivity, unreliable internet services significantly damaged their ability to teach or learn online. Further, in what constitutes a double barrier to meaningful internet access, those living in the least connected places contend with the slowest internet in the world, at the least affordable prices. Some children had limited access to any kind of device that would enable learning or allow them to stay in touch with their teachers.

Gayane C., a 16-year-old student from Armavir, told us that she shared a device with her brother, said, “His classes would start later than mine, but there were times when they would coincide, and I would miss classes.”[[10]](#footnote-11) Artur D., an 18-year-old student in Tavush, said, “We did not study all the subjects. The whole school did not do physics, because that teacher had difficulties with his computer… and he had nobody at home next to him to help him.” He continued, “We also did not do English classes. The teacher did not have a computer in the beginning, and after a month the school gave her a computer, but she still did not conduct classes properly.”[[11]](#footnote-12)

Another secondary school student told us that his entire village had internet problems and “the internet provider could not resolve the issue of overload.”[[12]](#footnote-13) A primary school teacher from Tavush told us that they were completely unable to conduct on-line live classes, “because not everyone in my class had internet and devices and not all of them could join, so many children…[were] in [a] disadvantaged situation.”[[13]](#footnote-14)

*Inclusive Education*

Armenia plans to guarantee inclusive education by 2025, whereby children with and without disabilities study together in community schools. For some children, remote education increased accessibility of classes. But for others, it created additional barriers, due in part to lack of guidelines on providing inclusive education through remote education, as well as lack of support—called reasonable accommodations—necessary for inclusion, including assistive devices, hearing aids, books in braille, or other adjustments.

*Human Rights Watch recommends that the Committee ask the government:*

* How does the government plan to remedy learning time that children lost due to Covid-19 related school closures?
* What strategies are being adopted to mitigate the impacts of in-person school closures on children’s learning, and the disproportionate impact of increased child-care and teaching responsibilities on parents at home?

*Human Rights Watch recommends that the Committee asks the government to:*

* Adopt measures to provide affordable, reliable, quality, and accessible internet, including targeted measures to provide free, equitable access to the internet for educational content, and capable devices for every student.
* Work with teachers, school officials, teachers’ unions and associations, and local education and parent committees, to recover teaching or contact hours lost and, where necessary, adjusting school calendars and exam schedules, and ensuring fair compensation for teachers and school personnel working additional hours.
* Adopt legislation or policies and allocate resources to ensure mainstream schools provide inclusive quality education, and reasonable accommodations for children with disabilities, based on their individual requirements, and remove any procedural, physical, or attitudinal barriers that could discriminate against children with disabilities

**Protection of Education from Attack (Article 13)**

During military hostilities in and around Nagorno-Karabakh from September to November 2020, more than 150 civilians were killed, according to government and nongovernmental reports. Human Rights Watch investigated whether the armed forces were following their obligations under international humanitarian law, and documented numerous violations by all parties to the conflict.[[14]](#footnote-15) We also examined the consequences of the conflict for school children.

According to official data, at least [71 schools](https://artsakhombuds.am/en/document/766) on the Armenian side, including 2 in the Republic of Armenia, and [54 Azerbaijani schools](https://www.azernews.az/nation/175381.html) were damaged or destroyed. Dozens of other establishments that helped children flourish and fueled their personal development and growth were also damaged or destroyed, including kindergartens, art schools and sport schools, and vocational schools. In some cases, military forces were positioned near schools during the fighting, putting them at risk. We identified damage and destruction to scores of schools caused by the use of mortars, heavy artillery shells, artillery rockets, and ballistic missiles, underlining the need to limit the use of explosive weapons with wide-area effects in populated areas.

Schools on both sides had closed in March 2020 due to the Covid-19 pandemic, and had just reopened in mid-September. They closed again after the fighting began on September 27. Many schools were repurposed as shelters for the displaced. On the Armenian side, some schools were also used as military hospitals and barracks, delaying the reopening of schools for students. Some were looted by local residents and military forces.

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;[[15]](#footnote-16) the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.*[[16]](#footnote-17) Armenia endorsed the Safe Schools Declaration in March 2017, contributing to global efforts to protect education and improve compliance with international law.

*Human Rights Watch recommends that the Committee ask the government:*

* What steps has Armenia taken to implement the commitments in the Safe Schools Declaration?
* Are explicit protections for schools or universities from military use included in any policies, rules, or trainings for Armenia’s armed forces?

*Human Rights Watch recommends that the Committee ask the government to:*

* Investigate and seek to remedy the military use and looting of schools during the conflict in late 2020.

**Predatory Lending Practices (Article 11)**

Preliminary research conducted by Human Rights Watch indicates that although usury is a criminal felony under Armenian law, predatory lending has become a serious problem in recent years, sapping already struggling families’ resources.[[17]](#footnote-18) Many households in Armenia live from hand to mouth and have no access to affordable commercial credit when they need to cover unexpected medical expenses, loss of employment, or education costs. This has opened the door to predatory practices by lenders who charge annual interest rates of up to 180 percent, which is prohibitive and unlawful—and in some cases leads to the forfeiture of people’s homes. If unchecked by the authorities, the loss of one’s home in these circumstances, and other sacrifices individuals make to meet demands of predatory lenders undermines their right to an adequate standard of living.

*Human Rights Watch recommends that the Committee ask the government:*

* What steps are taken to ensure transparency for lending practices?
* What steps are taken to identify and prosecute predatory lenders for usury?

1. “When Will I Get to Go Home? Abuses ad Discrimination against Children in Institutions and Lack of Access to Quality Inclusive Education in Armenia,” Human Rights Watch report, February 22, 2017, https://www.hrw.org/report/2017/02/22/when-will-i-get-go-home/abuses-and-discrimination-against-children-institutions. [↑](#footnote-ref-2)
2. See also, Human Rights Watch, “Submission to the Committee against the Elimination of Discrimination against Women Review of Armenia,” <https://www.hrw.org/news/2021/06/24/submission-committee-elimination-discrimination-against-women-review-armenia>. [↑](#footnote-ref-3)
3. “The Law on Prevention of Violence in the Family, Protection of Victims of Violence in the Family, and Restoration of Peace in the Family,” <https://www.refworld.org/pdfid/5a6b2e274.pdf> (accessed June 17, 2021). [↑](#footnote-ref-4)
4. “Armenia: Little Protection, Aid for Domestic Violence Survivors: New Law Should Enhance Safety, Services, Justice,” Human Rights Watch news release, January 12, 2018, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors> [↑](#footnote-ref-5)
5. Investigative Committee of the Republic of Armenia, “Information on the Results of the Investigation of Domestic Violence Cases in the Proceedings of the RA Investigation Committee in 2020.” February 19, 2021, <https://www.investigative.am/news/view/2020yntanekan-brnutyan-veraberyal0.html> (accessed June 9, 2021). [↑](#footnote-ref-6)
6. Anahit Chilingaryan, “Countering Domestic Violence Myths in Armenia: European Rights Body Issues Key Opinion, “commentary, Human Rights Watch dispatch, October 24, 2019, <https://www.hrw.org/news/2019/10/24/countering-domestic-violence-myths-armenia> [↑](#footnote-ref-7)
7. https://www.hrw.org/news/2019/10/24/countering-domestic-violence-myths-armenia [↑](#footnote-ref-8)
8. “Armenia: Little Protection, Aid for Domestic Violence Survivors: New Law Should Enhance Safety, Services, Justice,” Human Rights Watch news release, January 12, 2018, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors> [↑](#footnote-ref-9)
9. Human Rights Watch, ““Years Don’t Wait for Them” Increased Inequalities in Children’s Right to Education Due to the Covid-19 Pandemic,” New York: Human Rights Watch, May 2021, <https://www.hrw.org/sites/default/files/media_2021/05/global_covideducation0521_web.pdf> [↑](#footnote-ref-10)
10. Human Rights Watch interview with Gayane C., student, Armavir, Armenia, June 16, 2020. [↑](#footnote-ref-11)
11. Human Rights Watch interview with Artur D., student, Tavush, Armenia, June 11, 2020. [↑](#footnote-ref-12)
12. Human Rights Watch interview with secondary school student, Armenia, June 16, 2020. [↑](#footnote-ref-13)
13. Human Rights Watch interview with primary school teacher, Tavush, Armenia, June 15, 2020. [↑](#footnote-ref-14)
14. Human Rights Watch, “Azerbaijan,” <https://www.hrw.org/europe/central-asia/azerbaijan>

    Human Rights Watch, “Armenia,” <https://www.hrw.org/europe/central-asia/armenia> [↑](#footnote-ref-15)
15. Safe Schools Declaration, May 28, 2015, <https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf> (accessed January 23, 2020). [↑](#footnote-ref-16)
16. Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, <http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf> (accessed January 23, 2020). [↑](#footnote-ref-17)
17. “Usury as a Perverse Manifestation of Corruption,” Research Report, Yerevan, 2017, <http://veles.am/wp-content/uploads/2017/06/Usury-as-Perverse-Manifestation-of-Corruption-research-report-1.pdf> (accessed July 26, 2021); “By misleading citizens, they have directed them to extremely unfavorable deals. By the decisions of the RA Prosecutor General criminal cases have been initiated,” Press Release by Prosecutor General’s Office of the Republic of Armenia, <https://www.prosecutor.am/en/mo/7572/> (accessed July 26, 2021). [↑](#footnote-ref-18)