

CAUCASUS

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This factsheet assesses how countries in the Caucasus - Georgia, Armenia and Azerbaijan - meet their commitments under Beijing +25 and the areas requiring further action. It relies on information provided by civil society, national reports on B+25, as well as recommendations and assessments by international human rights mechanisms, such as CEDAW. Georgia, Armenia and Azerbaijan became independent states after the collapse of the Soviet Union in 1991. The countries have ratified most of the international and regional human rights treaties and are, to a varying degree, aspiring to democratic reforms.



Structural barriers and negative trends

The predominant patriarchal culture, structural inequality and unequal distribution of power and resources among men and women and within various groups, particularly those residing in rural areas, are pervasive in the political, social, cultural, economic and private spheres in all 3 countries. Deeply rooted gender stereotypes, traditions and practices that are discriminatory towards women and girls are still prevalent. Even though some significant steps were undertaken to protect women's rights (particularly in Georgia and to varying degrees in Armenia), there still is an overwhelming lack of awareness and genuine commitment to combatting gender-based discrimination, VAWG, and harmful gender stereotypes among law enforcement and state institutions.

In Armenia, the existence of radical and nationalist groups propagating anti-human rights and women's rights discourse in some cases result in attacks on women's rights defenders and activists. The emergence of radical nationalist groups have also appeared to be a problem in Georgia in the last few years. There is an increasingly shrinking space for civil society in Armenia. While in Azerbaijan, human rights organizations are under constant pressure, and

human rights defenders and journalists have faced fabricated charges. There has been verbal bashing of human rights NGOs from the side of politicians in Georgia also.

In all states in this region, there is a need for legislation, policy and practices on women's rights to be reviewed and amended in line with international human rights standards, such as the Istanbul Convention and CEDAW jurisprudence.

Particular issues which need to be immediately tackled are

- Inadequate legislation on violence against women and domestic violence (Azerbaijan and Armenia), as well as problematic implementation of existing laws, which fail to protect the rights of survivors and bring perpetrators to justice (all three countries);
- Criminal law provisions on sexual violence failing to comply with international human rights standards and provide justice for survivors, as well as the lack of gender-sensitive investigation and prosecution procedures (all three countries) (1);
- Ineffective Government policy to combat harmful practices, including child/forced/early marriages/bride kidnapping (all three countries);
- Lack of anti-discrimination and sexual harassment laws (Armenia and Azerbaijan), as well as lack of awareness of and information on existing legal mechanisms in the public (all three countries);
- Violations of sexual and reproductive health rights - lack of access to services, including access to safe abortion and contraception; sex selective abortions and male child preferences; absence of comprehensive sexual and reproductive health and rights education in schools (all three countries);
- Limited number of shelters and support services for gender-based violence victims and insufficient resources allocated to them (all three countries);
- Underrepresentation of women in political and public life (all three countries).
- Women from marginalised groups (ethnic minority women, women with disabilities, internally displaced women, women in prostitution, LGBTQI) facing intersecting forms of discrimination and lack of access to services provided by the state (all three countries).



Progress on implementing the Beijing Platform for Action

Armenia: Significant gaps remain in regard to women's rights policy, law and practice, and the existing legal framework continues to fall short of international standards. Even though the law on domestic violence was adopted in 2017, it still lacks sufficient guarantees for the accountability of perpetrators, falls short of international human rights standards (e.g. emphasises the importance of reconciliation and traditional values rather than the rights of the survivor) and is insufficiently implemented. There is a lack of a comprehensive state policy in

combatting gender-based discrimination, lack of anti-discrimination legislation, and an inadequacy of laws regulating gender-based and sexual violence. Reproductive health policy is not prioritized in the country.

Georgia: Since 2014, the government, with the support and pressure from CSOs and international organisations have made significant steps in fighting violence against women and promoting gender equality. Laws have been amended and introduced to combat VAWG, gender-based and domestic violence (e.g. amending domestic violence law, adopting anti-discrimination law, outlawing sexual harassment and stalking) and the Istanbul Convention has been ratified. However, there are still significant challenges in translating the existing laws into real life, improving gender equality policies and ensuring substantive equality. Women's economic empowerment, political participation and protection from all forms of violence remain as urgent issues. Extremely low reporting and prosecution rates of rape and other forms of sexual violence are alarming, and further amendments are needed to the Criminal Code to ensure compliance with Istanbul Convention for sexual violence crimes. There is a lack of adequate and gender-sensitive investigation and prosecution procedures and holistic services for survivors of sexual violence.

Azerbaijan: Despite the state's commitment in Beijing, CSOs claim that the Government largely fails in meeting its women's rights obligations. The government has brought legislation on the prevention of early marriage in line with international standards but there is ineffective implementation. A large section of society still supports early marriages and do not consider them a crime, indicating a lack of awareness of the legislation. Some CSOs even attempted blocking the introduction of the criminalization of bride kidnapping. Despite growing urbanization, a significant proportion of the population live in rural areas where gender inequality is more pronounced, there is poor infrastructure and lack of Internet access. Further, due to limited access to basic services and adequate educational opportunities, girls are particularly vulnerable to leaving school early, child 'marriage' and likely to experience violence. The government has also not addressed the sharp decrease in the birth rate of girls as a result of male-sex preferences. As there is a high dependence on agricultural production, a large number of women work as unpaid family workers.



Recommendations beyond Beijing+25

- Take proactive measures to modify gender stereotypes and social and cultural patterns that endorse superiority of one sex over the other;
- Amend criminal law provisions on sexual violence to bring them in compliance with the Istanbul Convention, covering all forms of violence against women, especially sexual acts committed without the victim's voluntary, genuine and willing consent;
- Ensure gender-sensitive methodology for the investigation and prosecution of sexual violence, free from all stereotypes, including on the basis of disability, ethnicity and

sexual orientation, including with respect to gathering evidence and witness interrogation processes;

- Adopt effective mechanisms and policies to implement existing gender equality laws; effectively implement domestic violence laws to ensure deterrent sanctions for perpetrators and effective access to redress and justice for survivors;
- Improve coordination among all institutional duty bearers (education, healthcare, law enforcement, religious authorities) to prevent VAWG, particularly child marriage and domestic violence;
- Design and implement effective criminal and other policies to fight child marriages and bride kidnappings, especially among marginalised communities;
- Enhance trainings for legal professionals (investigators, prosecutors, judges, lawyers) and service providers on gender equality, non-discrimination and VAWG;
- Collect disaggregated statistics (including on the basis of sex, age, disability, ethnicity, sexual orientation and gender identity) on all forms of VAWG;
- Create/improve specialised support services for women who are subjected to all forms of violence;
- Introduce comprehensive sexuality education in school curricula and ensure training for teachers/educators on these issues;
- Take substantial measures to ensure women's economic empowerment and increase women's public and political participation;
- Design specific policies to make sure that vulnerable women facing multiple and intersecting forms of discrimination have access to justice and support services offered by the state, including ensuring access to health care and education, particularly for women with disabilities, LBTQI women and other marginalised communities;
- Intensify efforts to provide access to quality education to girls living in rural areas by providing well-trained teachers, improving infrastructure and access to the internet.

Armenia (additionally to the common recommendations outlined above)

- Adopt anti-discrimination law to address all forms of discrimination and provide redress for survivors; criminalize domestic violence, outlaw stalking and sexual harassment; amend laws on abortion and reproductive rights to ensure effective access to services for all groups; ratify the Istanbul Convention;
- Review state pro-natalist policy aimed at increasing the population growth and replace it with rights-based population policies;
- Protect women human rights defenders.

Georgia (additionally to the common recommendations outlined above)

- Take measures to ensure that legal regulations outlawing sexual harassment are adequately implemented and enforced;
- Adopt a law on mandatory gender quotas to increase women's political participation and raise awareness about the necessity of such a law.

Azerbaijan (additionally to the common recommendations outlined above)

- Create an enabling environment for civil society to mobilize resources and freely operate, and remove legislative and practical restrictions on CSOs, WHRDs and female journalists;
- Ensure that all internally displaced women and girls have adequate access to health care services, freedom of movement and education opportunities;
- Adopt an anti-discrimination law to address all forms of discrimination and provide redress for survivors; outlaw all forms of violence against women, stalking and sexual harassment; amend laws to make sure that there is mandatory, public prosecution for all sexual violence crimes and for domestic violence; ratify Istanbul Convention.

Priority recommendations for Georgia, Armenia and Azerbaijan put together during the CSO pre-regional forum for UNECE:

- Modify social and cultural practices and patterns of behavior that give priority to one sex/gender over the other, and combat gender stereotypes through formal, vocational and non-formal education;
- Bring laws in full compliance with the Istanbul Convention, particularly criminal provisions on sexual violence (Georgia, Armenia, Azerbaijan), ratify and fully implement the Istanbul Convention (Armenia, Azerbaijan);
- Introduce comprehensive sexuality education as a mandatory school curricula and ensure training for teachers/educators on SRHR issues, as well as access to SRHR services and products.

Useful sources

- (1) See Equality Now's 'Roadblocks to Justice: How the Law is Failing Survivors of Sexual Violence in Eurasia' 2019