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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF ARMENIA
FOR THE 49TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Armenia (Armenia) for the 49th session of the Universal Periodic Review (UPR).

Background

2. Armenia is a country located in the Caucasus and borders Turkey, Azerbaijan, and Georgia.¹ It has a population of approximately 3 million people and is predominantly Christian.² Approximately 95.3% of the population identifies as Armenian Apostolic Orthodox, 1.4% as other, 0.5% as Catholic, and 0.5% as Evangelical Christian.³

3. Armenia's last review was held on January 23, 2020.⁴ As a result of the review, Armenia received 252 recommendations, 239 of which it accepted.⁵ It was recommended by France, and supported by Armenia, that the government "[r]atify the Istanbul Convention and fight the practice of selective abortions."⁶

Legal Framework

4. Article 24 of the Constitution of Armenia states that "[e]veryone shall have the right to life. No one may be arbitrarily deprived of life."⁷

5. In 2016 the government adopted The Law of the Republic of Armenia on Amending the Law of the Republic of Armenia "On Human Reproductive Health and Reproductive Rights." It states that:

1. Every woman has the right to abortion

¹ *Armenia Country Profile*, BBC, <https://www.bbc.com/news/world-europe-17398605> (last visited July 10, 2024).

² Aleksey Aleksandrovich Mints & G. Melvyn Howe, *Armenia*, BRITANNICA (July 7, 2024), <https://www.britannica.com/place/Armenia>.

³ *Id.*

⁴ *Universal Periodic Review – Armenia*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/am-index> (last visited July 10, 2024).

⁵ *Infographic – Armenia*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/AM/armenia_50752137.pdf.

⁶ OHCHR, UPR of Armenia (3rd Cycle – 35th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/AM/MatriceRecommendationsArmenia.docx> (last visited July 12, 2024).

⁷ CONSTITUTION OF ARMENIA 1995 (rev. 2015) art. 24, https://www.constituteproject.org/constitution/Armenia_2015.

1) up to 12 weeks of pregnancy is carried out according to the written application of the woman. In case of medical indications, termination up to 12 weeks of pregnancy is carried out with the written consent of the woman.

2) The period of pregnancy from 12 to 22 weeks is carried out exclusively in the presence of medical (including the possibility of inheriting a sex-related disease) or social indications, with the written consent of the woman.⁸

6. While the law does not specify what is considered to be medical or social indications,⁹ it does state that gender-based abortions are prohibited.¹⁰

7. Armenia is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹¹ Under Article 2 of the CEDAW:

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

...

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;¹²

8. Armenia is also a party to the International Covenant on Civil and Political Rights (ICCPR).¹³ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁴ In addition, Armenia has a responsibility to uphold pro-life principles enshrined in other international agreements such as the U.N. Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

⁸ *The Law Of The Republic Of Armenia*

On Amending The Law Of The Republic Of Armenia "On Human Reproductive Health And Reproductive Rights" (July 18, 2016) art. 1, <https://abortion-policies.srhr.org/documents/countries/07-Armenia-Changes-to-Law-on-Human-Reproductive-Health-and-Reproductive-Rights-2016.pdf> (unofficial internal translation).

⁹ Tatev Khachatryan, *Sex-Selective Abortions Pose a Demographic Challenge for Armenia*, HETQ (Nov. 8, 2022, 11:33 AM), <https://hetq.am/en/article/149965>.

¹⁰ *The Law Of The Republic Of Armenia*

On Amending The Law Of The Republic Of Armenia "On Human Reproductive Health And Reproductive Rights" art. 2, *supra* note 8.

¹¹ *Ratification Status for Armenia*, OHCHR,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN (last visited Aug. 22, 2024).

¹² Convention on the Elimination of All Forms of Discrimination against Women, art. 2, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

¹³ *Ratification Status for Armenia*, *supra* note 11.

¹⁴ International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

Abortion

9. Despite being outlawed in 2016, sex-selective abortions remain a serious issue in Armenia, and it is unclear if any doctor has been prosecuted for carrying out such abortions.¹⁵ Armenia's practice of sex selective abortions has led to an imbalance in the ratio of boys born to girls, which will result in population decline. In 2022, the ratio of boys to girls born was 112 to 100; the global average was 104-106.¹⁶ According to Anahit Aveneyan, the Minister of Health, 80,000 preborn girls were aborted over the past thirty years because they were girls.¹⁷

10. In Armenia, abortion is used as the primary form of family planning.¹⁸ A 2022 study by the Advanced Public Research Group NGO, with support from the United Nations Population Fund (UNFPA), found that forty-six percent of respondents who have been pregnant had at least one abortion at some point in their life.¹⁹ Further, seven percent of respondents reported having an abortion because they were going to have a girl.²⁰

11. Armenia must understand that abortion is not a method of family planning. Under the 1994 Cairo Conference on Population and Development, U.N. Member States have an affirmative commitment to “reduce the recourse to abortion”²¹ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”²² It must be noted that family planning is determining how many children you want and when you want them before becoming pregnant. In no way can killing a preborn baby because they are a girl be considered family planning.

12. Armenia's preference for boys over girls is engrained in the culture and is in part a holdover from the Soviet Union era. A 2023 study conducted by the United Nations Population Fund (UNFPA), found the main reasons people desired sons were for their perceived role in maintaining family lineages, providing financial support, and protecting the homeland.²³ Providing financial support was especially critical after the fall of the Soviet Union, as people became dependent on sons to provide economic support for their family.²⁴

13. Armenia's gender imbalance will have a massive impact on its population and its future. In 2023, the Minister of Health stated that:

In order to have a healthy and stable society, we need the sex ratio of newborns to be natural, without any artificial interference. We see the catastrophic

¹⁵ Anna Pujol-Mazzini, *Armenians Urged to Value Their Women as Abortions of Girls Skew Population*, REUTERS (Oct. 9, 2017, 1:06 AM), <https://www.reuters.com/article/us-armenia-women-abortion/armenians-urged-to-value-their-women-as-abortions-of-girls-skew-population-idUSKBN1CE08P/>.

¹⁶ Gayane Sargsyan, *Selective Abortion in Armenia*, JAM NEWS (Apr. 22, 2023), <https://jam-news.net/selective-abortion-on-the-rise/>.

¹⁷ *Id.*

¹⁸ Sona Martirosyan, *Unwanted: Why is Abortion Still the Main Form of Family Planning in Armenia*, EVN REPORT (Nov. 14, 2022), <https://evnreport.com/raw-unfiltered/unwanted-why-is-abortion-still-the-main-form-of-family-planning-in-armenia/>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf.

²² *Id.* ¶ 7.24 (emphasis added).

²³ *Fact Sheet Armenia*, UNFPA, at 5 (Nov. 2023), https://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa_armenia_factsheet_3.pdf.

²⁴ *Id.* at 7.

demographic consequences that have occurred in other countries, and we do not want a repeat of this situation in our country.²⁵

Indeed, we can look at China’s one child policy to see how sex-selective abortions negatively impacts the future population. In China, the preference for males over females resulted in a massive imbalance. By 2021, the census revealed that there were thirty-five million more men than women in China.²⁶ This imbalance was so extreme that the government had to launch an awareness campaign to encourage women to have more children.²⁷ If sex-selective abortions continue to be carried out in Armenia, it will result in a population decline that will leave the country with an aging population and a dwindling workforce.

14. Numerous Armenian women have shared their experiences when they found out that they were having a girl. One woman shared how she was elated to find out that she was having a girl, but her family not so much.²⁸ Later, when she became pregnant again and found out that she would be having another girl, her mother-in-law took her to have an abortion.²⁹ Another woman shared her experience finding out that she would be having a girl:

My husband was waiting outside, but I could already imagine his reaction. I started to cry. The doctor was taken aback because the gender of the child is generally unimportant, at least in the case of the firstborn. He started to comfort me, saying that my husband would be happy too. But I knew what was coming. My husband was silent the entire journey back. When we got home, he told his mother, “She can’t even bear a child properly.”³⁰

15. Additionally, while it is critical that Armenia must protect the lives of preborn girls, it must also protect the lives of all preborn babies, regardless of gender. Since its last UPR, an effort was made to do just that. In 2020, a draft law titled “On the right to life of the unborn child” was drafted by a legal group called Vardanyan & Partners and was put forth by MP Naira Zohrabyan.³¹ This law would have permitted abortion only in cases to save the life of the mother and therefore would have also protected the lives of all preborn babies.³² This law was ultimately rejected after it was discussed by the National Assembly’s Standing Committee on Healthcare and Social Affairs.³³ It was alleged that this legislation would have violated numerous international conventions.³⁴ This is quite ironic, because the bill would have actually protected the right to life, a right that is enshrined in numerous fundamental human rights agreements.

16. For example, Article 6 of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”³⁵ Similarly, under the U.N. Charter, Member States are determined “to reaffirm faith in

²⁵ Sargsyan, *supra* note 16.

²⁶ Jessie Yeung & Nectar Gan, *China Says it’s Restricting Abortions to Promote Gender Equality. Experts are Skeptical*, CNN WORLD (Oct. 1, 2021, 2:03 AM), <https://www.cnn.com/2021/10/01/china/non-medical-abortions-mic-intl-hnk/index.html>.

²⁷ *Id.*

²⁸ Pujol-Mazzini, *supra* note 15.

²⁹ *Id.*

³⁰ Martirosyan, *supra* note 18.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ ICCPR art. 6, *supra* note 14.

fundamental human rights, [and] in the dignity and worth of the human person.” It must be noted that none of these documents make a distinction between boys and girls; these rights are enjoyed by all. Further, the CEDAW requires that States Parties “adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.”³⁶ A majority of U.N. Members States have recognized these rights and have therefore maintained strict limits on abortion.³⁷ This goes to show that there is no such thing as a right to abortion.

17. In addition to protecting the lives of preborn babies, Armenia must also protect women from the devastating effects of abortion. Studies have shown that abortion can result in numerous physical³⁸ and psychological side effects.³⁹ One Armenian woman shared her tragic experience of taking an abortion pill because she was having a girl:

They gave me a drug. I took it and in the morning everything was done. Afterwards, they forbade me from going to the doctor, although I was very afraid because for several days I was bleeding and experiencing piercing pain. I thought I was going to die.⁴⁰

Recommendations

18. Armenia must reform its laws to protect life at all stages, including preborn girls. No one deserves to die simply because of their gender. Further, Armenia must understand that abortion is not family planning. Family planning is determining how many children one wants and when one wants them; it does not involve killing a preborn baby who has already been conceived. All human life deserves to be protected and allowed to live.

³⁶ CEDAW art. 2, *supra* note 12.

³⁷ *The World’s Abortion Laws*, CENTER FOR REPRODUCTIVE RIGHTS (June 9, 2023), https://reproductiverights.org/wp-content/uploads/2023/12/WALM_2023-v3-Updated_12-20-23.pdf.

³⁸ *Women’s Right to Know: Abortion Risks*, LA. DEP’T OF HEALTH, <https://ldh.la.gov/page/abortion-risks> (last visited Aug. 26, 2024).

³⁹ See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89, 1290 n. 119 (2005).

⁴⁰ Martirosyan, *supra* note 18.