



SAFE YOU



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Ճգնաժամային
Կենտրոն

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Information on Armenia for Consideration by the Committee on the Rights of the Child at its 97th Session (26 Aug 2024 - 13 Sep 2024)

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Introduction

1. Equality Now and partners submit this report for consideration during the Committee on the Rights of the Child ('the Committee') review of Armenia at its 97th Session (26 Aug 2024 - 13 Sep 2024).
2. In our submission, Equality Now, Sexual Assault Crisis Centre NGO, the Women's Resource Center, and Safe YOU detail concerns with regard to laws related to sexual violence and procedures and practices which effectively deny access to justice for girl survivors of sexual violence. Specifically, Armenia's legal system provides a number of opportunities for perpetrators to escape criminal liability or punishment, namely through the way sexual violence crimes are defined and through the way sexual violence crimes are investigated and prosecuted. This submission covers issues particularly relevant to Article 19 (protection from all forms of violence and sexual abuse); Article 24 (right to health and protection from harmful practices); and Article 34 (protection from sexual exploitation and sexual abuse) of the Convention on the Rights of the Child and the Committee's General Comments No. 13 (2011) 'The right of the child to freedom from all forms of violence'; and Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices.

Information about the authors of the submission

3. **Equality Now**¹ is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our network of individuals and organizations in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now's work. In January 2019, Equality Now released a report, "*Roadblocks To Justice: How The Law Is Failing Survivors Of Sexual Violence In Eurasia*",² which contains an overview of the laws on sexual violence in the 15 countries of Eurasia, including Armenia, and an analysis of gaps in the law and examples of practice allowing for impunity for perpetrators of sexual violence crimes. Since then, Equality Now has been persistently analysing laws, policies and procedures on violence against women in the region.
4. **Sexual Assault Crisis Centre NGO (SACC)**³ in Armenia was established in 2008 and focuses on three primary areas of intervention: service provision, awareness initiatives and advocacy. The SACC offers specialised support to those affected by sexual violence, encompassing social, psychological and legal assistance. SACC is committed to fostering

¹ <https://www.equalitynow.org/>

² https://www.equalitynow.org/resource/roadblocks_to_justice/

³ <https://saccarmenia.org/>

a more gender-sensitive perspective on sexual violence. A central aim is to encourage the legal system to adopt a survivor-centred approach and to enhance systemic responses to the issue.

5. **The Women's Resource Center** (hereafter WRC)⁴ was established in 2003 and works on women's human rights, women's empowerment, and reproductive and sexual rights. WRC is a member of several local and international networks and coalitions. Since 2006, the organization has submitted shadow reports and stakeholders' reports to different UN treaty bodies.
6. **Safe YOU**⁵ is an AI-powered multi-stakeholder platform that brings together NGOs, international organizations, government agencies, and other relevant institutions to facilitate effective support services to women and girls, including gender-based and domestic violence survivors. Additionally, it leverages real-time monitoring data on reported cases to inform preventive programs and policies. As the burden of proof often falls on the victims of gender-based violence, the recording and geolocation data collected through the Safe YOU mobile app can also be harnessed in investigative and judicial proceedings as objective evidence. Safe YOU also features educational and awareness-raising resources, peer-to-peer learning opportunities, and open surveys to gather user feedback and conduct different research projects. With a number of success stories and a real impact on people's lives, Safe YOU continues to empower women and girls through its innovative technological approaches.

Previous recommendations of CRC and other UN TBs to Armenia

7. In its Concluding Observations on the combined third and fourth periodic reports of Armenia (2013),⁶ the Committee recommended the Government of Armenia develop a comprehensive national strategy to prevent and address all forms of violence against children; adopt a national coordinating framework to address all forms of violence against children; and pay particular attention to the gender dimension of violence.⁷
8. The Committee was concerned with the institutionalization of children with disabilities and with the information that children in closed and partially closed institutions were subjected to ill-treatment and violence.⁸ Additionally, child marriages, prevalent among the Yezidi community, were a matter of concern.⁹

⁴ <https://womenofarmenia.org/>

⁵ <https://safeyou.space/en>

⁶ CRC/C/ARM/CO/3-4

⁷ *ibid*, para. 26

⁸ *ibid*, paras. 24 and 36(a)

⁹ *ibid*, paras. 27-28

9. The CEDAW Committee, in its Concluding observations on the seventh periodic report of Armenia (2022),¹⁰ expressed its concerns regarding the inadequate protection from gender-based violence afforded to women and girls facing intersecting forms of discrimination, including women and girls belonging to religious and ethnic minorities, women and girls with disabilities¹¹ and the high level of child marriage.¹²

10. As will be elaborated below, these problems persist.

Summary of the submission

Sexual violence against girls in Armenia is a severe issue. Despite this, official data and statistics are either unavailable or unreliable.

Pervasive gender stereotypes and victim-blaming further deter survivors from seeking help. Armenia's lack of comprehensive sexuality education exacerbates the problem.

The definition and enforcement of crimes of sexual violence against girls remain problematic. Some criminal law provisions imply that a girl under 16 somehow consented to or initiated sexual intercourse by an adult, which disregards the power dynamics and vulnerabilities inherent in such situations and provides opportunities for perpetrators to escape accountability and appropriate punishment.

Harmful practices such as child and forced marriages (CEFM) remain a significant issue in Armenia. While the minimum age of marriage is 18, the Family Code allows marriage at 16 and 17 with consent of parents or other individuals. A concerning issue is the under-identification of CEFM and informal unions equal to marriage.

Armenia lacks a comprehensive gender and child-sensitive methodology to investigate sexual violence crimes, resulting in re-victimization during the investigative process. Gender stereotyping among law enforcement authorities and discriminatory investigation procedures applied in practice constitute a significant barrier to justice for survivors of sexual violence. Investigative procedures often lack gender sensitivity and understanding of the trauma experienced by minors, subjecting them to intrusive interviews, forced confrontations, invasive forensic examinations, and virginity testing.

Girls from vulnerable and marginalized groups experience intersecting forms of discrimination and serious barriers to accessing justice for sexual violence. Girls with disabilities, particularly those with psycho-social needs, face significant barriers to accessing justice for various forms of violence, including sexual violence.

Key recommendations:

¹⁰ CEDAW/C/ARM/CO/7

¹¹ *ibid*, paras. 25, 43,

¹² *ibid*, para. 53

1. Amend the Criminal Code of Armenia to ensure that the consent of a minor under 16 is not examined and that the offense is classified as rape, with appropriate penalties and ensuring robust criminal justice response.
2. Amend the Family Code to set 18 as the minimum age of marriage without any exceptions.
3. Develop a comprehensive and child and gender-sensitive methodology, guidelines, and protocols to investigate sexual violence crimes.
4. Abolish the practice of intrusive interviews, forced confrontations, invasive forensic examinations, and virginity testing; avoid adverse and unscientific inferences from a hymen's condition; ensure that investigative actions involving minors are properly recorded (including video recording if necessary) to avoid repeated interviews.
5. Develop a comprehensive government strategy and action plan to prevent and address sexual violence against girls and child marriage, including with particular emphasis on girls with disabilities, minoritized, migrant, and displaced girls (including from Nagorno Karabakh), and those made vulnerable by other circumstances.
6. Provide targeted, mandatory capacity-building activities on the prevention and detection of, and the response to, all forms of gender-based violence, including sexual violence and child and forced marriage, for law enforcement and judicial officials, health and social workers, and other professionals, including in rural areas.
7. Improve the collection of data on all forms of violence against women and girls.
8. Strengthen victim support services and protection, including 24 / 7 hotlines, free legal aid, adequate shelters, medical treatment, psychosocial counseling, and economic support throughout Armenia, tailored to the needs of girl survivors of sexual violence and child and forced marriage.

i. Prevalence of sexual violence against girls in Armenia and societal attitudes

Summary of the section:

Sexual violence against girls in Armenia is a severe issue. Despite this, official data and statistics are either unavailable or incomplete, coupled with significant underreporting driven by societal stigma and fear of retribution. Pervasive gender stereotypes and victim-blaming further deter survivors from seeking help. Armenia's lack of comprehensive sexuality education exacerbates the problem, as current programmes inadequately address consent and sexual health, leaving many young people without the knowledge to recognize and report sexual violence.

11. Sexual violence against girls in Armenia remains a deeply concerning issue. Official statistics are either unavailable or incomplete, and the true scale of sexual violence against girls in Armenia is likely much higher due to underreporting driven by societal stigma, fear of retribution, or lack of trust that perpetrators will be held to account.

12. For example, the Investigative Committee of Armenia reported that in 2023, 1159 criminal proceedings on crimes committed against minors were investigated by the Committee, compared with 545 proceedings of the previous year. In 2023, 14 of the proceedings sent to court were on sexual acts, compared with 11 in 2022.¹³
13. Between 2022 and 2023, the Sexual Assault Crisis Center (SACC) recorded 23 cases of sexual violence against minors, 20 of which were committed against girls. Given that SACC is a small NGO without government funding and limited reach, the actual number of unreported cases of sexual violence against minors is likely much higher.
14. Societal attitudes towards sexual violence, as well as attitudes of criminal justice actors, further complicate the situation. Gender stereotypes and victim-blaming often deter survivors from coming forward. Survivors frequently face secondary victimization from law enforcement and judicial authorities, who may question their credibility or suggest that they provoked the assault (see Section iv below). These societal attitudes are reflected in the media and public discourse, where gender stereotypes are reinforced, and discussions of sexual violence are often suppressed or minimized. The Armenian media continue to air programmes that normalize violence against women, and there is a lack of comprehensive education and awareness campaigns to challenge these harmful norms.
15. The lack of comprehensive sexuality education in Armenia significantly contributes to the prevalence of sexual violence against girls. Current educational programmes inadequately address issues of consent, sexual health and gender equality. The subject “Healthy Lifestyles”, which includes some aspects of reproductive health, is taught in schools within a framework that emphasises abstinence and employs fear-based approaches, failing to provide students with a clear understanding of consent and healthy relationships. This educational gap leaves many young people, especially girls, without the necessary knowledge to identify and report sexual violence.

ii. Legal barriers to securing justice for girl survivors of sexual violence

Summary of the section:

The definition and enforcement of crimes of sexual violence against girls remain problematic. Article 200 of the Criminal Code addresses sexual acts with a person under sixteen years of age committed by an adult. The way the article is interpreted and enacted implies that the minor somehow consented to or initiated the sexual intercourse, which disregards the power dynamics and vulnerabilities inherent in such situations and provides opportunities for lenient treatment of

¹³ <https://www.investigative.am/en/news/information-on-criminal-proceedings-investigated-in-the-ra-investigative-committee-in-2022-on-crimes-committed-against-minors>

perpetrators by the justice system. Furthermore, instances where rape or assault of a sexual nature occur without evidence of additional serious physical harm are often inadequately charged under Article 200, which carries significantly lesser penalties compared to crimes that are classified under the article of rape against a minor.

Additionally, provisions regarding the statute of limitations and the classification of offenses fail to adequately reflect the severity of sexual crimes against minors, leading to insufficient time for victims to report offenses and disproportionately light sentences.

16. There are several main types of crimes of sexual violence in the Criminal Code of Armenia that affect minors:¹⁴ performance of actions of a sexual nature towards a person under 16 years (Article 200); violent actions of a sexual nature (Article 198); compelling to actions of a sexual nature (Article 199); committing a lecherous act (Article 201); and offering a person under 16 sexual intercourse or other actions of a sexual nature (grooming) (Article 202).
17. Contrary to international standards requiring that definitions of sexual crimes should be based on “lack of freely given consent, and takes account of coercive circumstances,”¹⁵ the constituent elements of the definitions of violent actions of a sexual nature in the Criminal Code of Armenia (Article 198) against women and girls are violence, threat of violence, or abusing the helpless condition of the victim. However, Article 198(4) provides that sexual intercourse or other acts of a sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, committed against a person under the age of twelve, whether committed with violence, threat of violence, or abusing the helpless condition of the victim or not, are considered as violent actions of a sexual nature.
18. If the child is over 12 but under 16, sexual actions with the child (not involving violence or threats) are still a criminal offense (Article 200), but they are no longer classified as violent actions of a sexual nature (Article 198), resulting in significantly lesser sentences for the perpetrator.
19. Article 200 of the Criminal Code criminalizes sexual actions by an adult with someone under 16. Even though the word “consent” is not mentioned in the article, there is a problematic assumption in the implementation of this article that the minor consented (even though they were legally incapable of consent), which can place blame on the minor instead of the perpetrator and affect the way the criminal justice system might treat the perpetrator. At the same time, the Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, “A Framework for Legislation on Rape (model rape law),” provides that a person is considered incapable of giving genuine consent when they are a person below the age of 16.¹⁶

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https://foi.am/u_files/file/legislation/CRIMINAL%20CODE%20OF%20THE%20REPUBLIC%20OF%20ARMENIA.pdf

¹⁵ CEDAW Committee, ‘General recommendation No. 35’ (2017), para. 29(e)

¹⁶ A/HRC/47/26/Add.1, Article 3(a)

20. Girls are particularly vulnerable to online and technology-facilitated violence, which is exacerbated by the absence of specific legislation to combat it.

iii. Child, early, and forced marriages

Summary of the section:

Harmful practices such as child and forced marriages remain a significant issue in Armenia. While it is established that the minimum age of marriage is 18, Article 11 of the Family Code allows marriage at 16 and 17 with consent of parents, adoptive parents, or legal guardians.

One of the most problematic issues is under-identification of CEFM and informal unions. Victims themselves are often isolated; they fear reprisals, face social stigma, and lack awareness of available support mechanisms. Victims and their families (e.g., in forced marriages, as well as abductions for forced marriage (“bride kidnapping”) cases) often hesitate to come forward due to concerns about facing direct or indirect backlash from perpetrators or their own communities. All of these contribute to widespread underreporting of child and forced marriages, as well as abductions for forced marriage.

21. The legal framework surrounding marriage is outlined in the Family Code, specifically in Article 10.¹⁷ This article stipulates that mutual voluntary consent and reaching the age of marriage—eighteen for both men and women—are necessary conditions for the conclusion of marriage, with certain exceptions.
22. However, there is an exception under the law, where a person can also marry at the age of 17 with the consent of their parents, adoptive parents, or guardian. Furthermore, a person can marry at age 16 if they have the consent of their parents, adoptive parents, or guardian and the other person getting married is at least 18 years old. This clause effectively undermines the legal age requirement and facilitates child marriage.
23. According to the 2015-2016 Demographic and Health Survey, conducted jointly by the State Statistical Service and the Ministry of Health, 5.3 percent of women aged 20-24 in Armenia were married by 18.¹⁸ This data underscores the prevalence of child marriage in Armenia despite legislative measures.
24. There is a notable absence of data and procedures to identify forced marriages (committed not only against minors, but adults), as well as a lack of prevention programmes addressing early marriage.

¹⁷ <https://www.arlis.am/>, This issue is currently being discussed as to introduce the prohibition of the marriage before the age of 18 per the Family Code

¹⁸ <https://dhsprogram.com/pubs/pdf/FR325/FR325.pdf>, p. 49

25. A joint study conducted by the Investigative Committee and the Sexual Assault Crisis Centre (SACC) in 2017 examined criminal cases related to crimes against sexual immunity and sexual freedom during 2015-2016.¹⁹ The study revealed that in cases investigated under Article 141 of the Criminal Code,²⁰ where one party was a minor aged 12-16, parents or legal representatives were often aware of their child's relationship with a person aged 18 or older and had given their consent for the marital relationship. In some instances, they even concealed the actual age of the minor. Despite this, parents or legal representatives were not brought to account in these cases.
26. Existing reports²¹ and anecdotal evidence suggests the existence of abductions for forced marriage in Armenia involving girls under 18. These cases range from romantic elopements to coercive abductions. Nonetheless, the official statistics available are outdated and likely do not reflect the true scale of the issue.

iv. Grounds for release from criminal liability and/or punishment

Summary of the section:

The legislation of Armenia does not provide sufficient clarity or robust mechanisms to ensure that perpetrators of sexual violence cannot evade criminal liability or punishment.

27. For example, Article 82 allows for the release from criminal liability if there is reconciliation between the perpetrator and the victim for minor or medium-gravity offenses. It means that perpetrators of the following crimes can be released from criminal liability due to reconciliation:
- a. Sexual intercourse or other actions of a sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, in cases where they were committed by a person having attained 18 years towards a person having attained the age of 14 but not having attained 16 years (Article 200(1) of the Criminal Code);
 - b. Committing a Lecherous Act (Article 201(1) of the Criminal Code);
 - c. Grooming (Article 202 of the Criminal Code);
 - d. Coercion to Marry, Divorce, or have a Child (Article 197 of the Criminal Code).

¹⁹ <https://www.investigative.am/news/serakan-andzernmkhelivouthyan-ev-serakan-azatvouthyan-dem-voughghvats-hancagvortsvouthyvounneri-thivn-avelacel-e-vousvoumnasirvouthyvoun>

²⁰ Criminal Code of Armenia adopted on 18 April 2003 (unoperative), available at: <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng>

Article 141 Sexual acts with a person under 16

Sexual intercourse or other sexual acts with a person obviously under 16, by a person who reached 18 years of age, in the absence of elements of crime envisaged in Articles 138, 139 or 140 of this Code,

Is punished with correctional labor for the term of up to 2 years, or with imprisonment for the term of up to 2 years.

²¹ In addition to the reports already mentioned in this section, see also <https://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20armenia%20overview.pdf>

28. Also, a perpetrator can be released from criminal liability in the event of active repentance (Article 81 of the Criminal Code), i.e., the person has committed a criminal offense for the first time may be released from criminal liability if the act committed by them is a minor or medium gravity criminal offense and they have been cooperating with the criminal prosecution bodies, not arguing the act incriminating them and having compensated or otherwise remedied the damage caused by the crime.
29. Article 81 of the Criminal Code provides that if the court, at the time of the assignment of punishment, comes to the conclusion that the purposes of punishment can be achieved without serving punishment, the court can hand down a suspended sentence.
30. All of these can be problematic as they may lead to the misuse of these grounds to avoid accountability, especially in cases where the power dynamics and trauma involved can compromise the victim's ability to consent to make decisions related to criminal proceedings freely.
31. Additionally, the statute of limitations in Armenian law does not adequately account for the complexities surrounding the reporting of sexual abuse by child victims. Article 83 stipulates that the statute of limitations for criminal offenses ranges from 5 years for minor offenses to 20 years for particularly grave offenses. The limitations period starts when the victim reaches the age of 18 for crimes under Articles 198-202, which include sexual offenses against minors. While this provides some extended time for reporting, it may still not be sufficient for all victims who face delays due to fear, trauma, or other factors.

v. Gender stereotyping, secondary victimization of girl survivors of sexual violence during criminal proceedings and lack of child-sensitive justice

Summary of the section:

Armenia lacks a comprehensive gender and child-sensitive methodology to investigate sexual violence crimes, resulting in re-victimization during the investigative process.

Cultural norms and stereotypes in the criminal justice system often lead to victim-blaming, questioning the credibility of child survivors, and deterring them from reporting crimes. Investigations are often conducted by untrained professionals, which leads to poor evidence collection.

Girls are often subjected to intrusive interviews, forced confrontations, and invasive forensic examinations without appropriate psychological support. The continued practice of virginity testing, despite its scientific invalidity and ethical violations, exacerbates survivors' trauma and reinforces harmful myths about female sexuality.

32. In Armenia, there is a lack of child- and gender-sensitive justice processes. Throughout the country, the lack of specially trained investigators for handling sexual violence cases is evident. Investigations are often conducted by individuals without specific training in child trauma-informed approaches. The language used by investigators is often not understandable to a child, leading to confusion and further trauma. Consequently, relevant evidence for filing charges may not be adequately collected.
33. Gender stereotyping and discriminatory investigation procedures further exacerbate barriers to access to justice for girl survivors of sexual violence. Cultural attitudes and societal norms often dictate the roles and behaviors deemed acceptable or otherwise for girls, which heavily influence the judicial and investigative processes. These stereotypes perpetuate a culture of victim-blaming and disbelief, where biases and prejudices frequently undermine the credibility of a young survivor's testimony. For instance, girls who report sexual violence are often scrutinized based on their behavior, appearance, or even their family's reputation rather than focusing on the perpetrator's actions. Such practices not only re-traumatize survivors but also deter many from coming forward to report crimes.
34. The key challenges are:
- a. Children are frequently interviewed multiple times and are made to repeat traumatic facts and events, which can be highly distressing. According to Article 214 of the Armenian Criminal Procedure Code,²² investigative actions involving minors must be video recorded to prevent the need for repeated questioning. However, this provision is not always effectively implemented, and legal representatives are sometimes discouraged from ensuring these protections.
 - b. Confrontations, as defined in Article 224, involve questioning the victim and the accused together to examine their accounts, which can be extremely distressing for survivors.
 - c. Invasive forensic examinations that do not consider children's trauma.
 - d. There is no legal requirement for the victim to be interviewed by an investigator of the same sex, or to have the option to choose the sex of the investigator, which can further traumatise the child.
 - e. Article 212 mandates the presence of a qualified psychologist during investigative actions involving minors. However, there is a significant shortage of trauma-informed and trained psychologists, particularly in rural and remote regions. Often, psychologists involved in such investigations lack the necessary knowledge and skills to provide adequate support to the child and the investigation.

²² <https://www.arlis.am/DocumentView.aspx?DocID=166538>

- f. It is not a rare incident when applicants' full name and other personal data are publicly accessible online in official judicial databases, despite survivors' specific request not to publish that information.²³
35. Virginity testing is a practice deeply rooted in ancient and medieval history. It is based on the erroneous belief that an intact hymen is proof of virginity and that its absence indicates prior sexual activity. The World Health Organisation has declared that no examination can prove a girl or woman has had vaginal intercourse.²⁴ However, in Armenia, virginity tests are still conducted as part of the forensic examination to determine whether an individual has had sexual intercourse through penetration to prove rape. The Ministry of Health's Order No. 92 stipulates that forensic medical examinations include the identification of "sexual integrity - virgin or not" (para. 24(5a)).²⁵
36. Therefore, virginity tests are always conducted in cases of sexual violence involving girls. Girls are subjected to virginity testing even in cases of sexual violence that do not have the component of penile-vaginal penetration or any penetration at all. This is an invasive and humiliating procedure, exacerbating the trauma girls have already experienced. In many cases, victims are not informed that a virginity test will be conducted, denying them the opportunity to provide informed consent and further violating their autonomy. These examinations often result in biased attitudes among law enforcement and judicial authorities, affecting the pursuit of justice. If it is posited that a girl has lost her virginity before the reported instance of rape, her account is often discredited, making it difficult for her to access justice.
37. These inadequacies are reflected in the way cases are processed, often leading to the dismissal of critical evidence or the downplaying of the severity of the assault. As a result, perpetrators may receive lighter sentences, or cases may not proceed to prosecution at all, thereby perpetuating a cycle of impunity and further victimizing young girls.

vii. Intersecting forms of discrimination against vulnerable girl victims of sexual violence

Summary of the section:

Girls from vulnerable and marginalized groups experience intersecting forms of discrimination and serious barriers to accessing justice for sexual violence. Girls with disabilities, particularly those with psycho-social needs, face significant barriers to accessing justice for various forms of violence, including sexual violence. Challenges include a lack of accessible support services, societal stigmatization and prejudice, communication barriers, and inadequate professional training.

²³ <https://hudoc.echr.coe.int/eng?i=001-234259>

²⁴ <https://www.who.int/news/item/17-10-2018-interagency-statement-calls-for-the-elimination-of-virginity-testing>

²⁵ <https://www.arlis.am/DocumentView.aspx?docid=158667>

38. Girls from vulnerable and marginalized groups face significant barriers in accessing justice for sexual violence. Girls with psycho-social needs, particularly those with disabilities, encounter challenges due to inaccessible support services, societal stigmatization, and communication barriers. The lack of reasonable and procedural accommodations to ensure access to justice remains challenging. Physical barriers within law enforcement and judicial systems further complicate their pursuit of justice, as many facilities are not accessible. Additionally, a lack of specialized training for professionals dealing with girls with disabilities leads to inadequate responses and secondary victimization, worsening the trauma.
39. The institutionalization of children with disabilities and ill-treatment and violence in these institutions is still a major issue.
40. The recent ECtHR judgment in *A.P. v. Armenia* (2024), concerning the State's failure to protect a fourteen-year-old pupil with intellectual disability from sexual abuse in her State school by a teacher, also a public official, highlights the severe shortcomings in Armenia's criminal justice system regarding the treatment of girl survivors of sexual violence, particularly those with disabilities.²⁶ The Court found that the investigative and judicial processes not only failed to protect the survivor but also contributed to her secondary victimization. It also highlighted the lack of any mechanisms designed to ensure the prevention, detection, and reporting of any ill-treatment (including sexual abuse) in educational institutions at the time of the material events, such procedures being fundamental to the enforcement of the criminal laws and the prevention of such ill-treatment.
41. Challenges include the lack of accessible support services, societal stigmatization and prejudice, communication barriers, and inadequate professional training. For girls with psycho-social needs, there is a significant shortage of mental health services and trained personnel, and they are often refused admission to child crisis centers, which exacerbates their trauma and discourages reporting. Physical barriers in legal institutions prevent girls with disabilities from participating fully in the justice process.
42. Girls from Nagorno-Karabakh (NK) also face severe barriers due to the ongoing conflict. The region has been severely impacted by the blockade and military operations, leading to shortages of essential supplies, including food, medicine, and hygiene products. The latest enforced displacement in September 2023 has exacerbated these challenges, causing significant instability and heightened risks of gender-based violence.²⁷ Displaced girls from NK endure increased vulnerability due to these factors, alongside societal stigmas around mental health and trauma, which hinder their ability to seek help and access justice.

²⁶ <https://hudoc.echr.coe.int/eng?i=001-234259>

²⁷ <https://wave-network.org/wave-statement-on-the-nagorno-karabakh-humanitarian-crisis/>

viii. Lack of support services for girl survivors of sexual violence

43. In Armenia, there is a significant deficiency in support services for girl survivors of sexual violence. There is an emerging practice of so-called ‘safe corners’ where children are questioned not directly by investigators but by psychologists and social workers. However, it is not widespread and has not been multiplied throughout Armenia.
44. Children are often referred to the Fund for Armenian Relief (FAR) Child Protection Centre (NGO) or the "ZATIK" Yerevan Child Assistance Centre (state body). While these centers provide essential services such as shelter, basic medical care, and counseling, they are not specialized in supporting children who have been subjected to sexual violence.
45. The absence of shelters and rehabilitation services specifically tailored to the needs of child victims of sexual violence is a critical gap. It results in children lacking access to essential psychological support, medical care, and other necessary services. The system fails to address the mental health needs of these children adequately, leaving them without appropriate care and support. Furthermore, children with mental health issues face additional barriers, as many centers are reluctant to accept them, exacerbating their vulnerability and the risk of secondary victimization.

ix. Recommendations

We respectfully urge the Committee to recommend that the Government of Armenia:

- **Substantive law**
 - Amend the Criminal Code of Armenia to ensure that the consent of a minor under 16 by an adult is not examined and that the offense is classified as rape, with appropriate penalties and ensuring a robust criminal justice response.
 - Amend the Family Code to set 18 as the minimum age of marriage without any exceptions.
 - Adopt specific legislation to combat online and technology-facilitated violence against girls.
- **Practice and procedural changes**
 - Develop a comprehensive and child and gender-sensitive methodology, guidelines, and protocols to investigate sexual violence crimes.
 - Abolish the practice of intrusive interviews, forced confrontations, invasive forensic examinations, and virginity testing; avoid adverse and unscientific inferences from a hymen’s condition; ensure that investigative actions involving minors are properly recorded (including video recording if necessary) to avoid repeated interviews;
 - Introduce effective mechanisms for preventing and detecting sexual violence of minors;

- Intensify efforts to combat child marriage, particularly in rural areas, by addressing the root causes and ensuring systemic accountability of responsible Government bodies and individuals, including law enforcement officers, family members, and religious or community leaders.
- **Government policies and programmes**
 - Develop a comprehensive government strategy and action plan to prevent and address sexual violence against girls and child marriage, including with special emphasis on girls with disabilities, minoritized, migrant, and displaced girls (including from Nagorno Karabakh), and those made particularly vulnerable by other circumstances. This plan should include effective coordination among government authorities, participation from civil society, and adequate resource allocation.
- **Intersecting forms of discrimination against vulnerable girls, victims of sexual violence**
 - Provide girls with disabilities with reasonable and procedural accommodations for reporting violence and navigating the justice process; prioritize social service visits to families of girls with disabilities to detect abuse; safeguard girls with disabilities who live in institutions, ensure reporting of violations and hold perpetrators accountable.
- **Training of professionals**
 - Provide targeted, mandatory capacity-building activities on the prevention and detection of, and the response to, all forms of gender-based violence, including sexual violence and child and forced marriage, for law enforcement and judicial officials, health and social workers, and other professionals, including in rural areas.
- **Collecting and maintaining data on cases of sexual violence and child and forced marriage**
 - Improve the collection of data on all forms of violence against women and girls, including sexual violence and child and forced marriage, by the authorities, disaggregated based on the type of violence, perpetrator, age, sex, disability, ethnicity, and other vulnerabilities, the outcome of such cases and the number of complaints received, investigations carried out, prosecutions conducted, the sentences imposed on perpetrators, as well as attrition rates.
- **Education and awareness**
 - Introduce comprehensive sexuality education, incorporating evidence-based information on consent and respectful relationships, to combat sexual violence and foster a safer environment for all children in Armenia.
 - Ensure continuous awareness-raising campaigns about the illegal and unacceptable nature of sexual violence, child and forced marriage, as well as the legal measures in place to address them.

- **Support services**

- Strengthen victim support services and protection, including 24 / 7 hotlines, free legal aid, adequate shelters, medical treatment, psychosocial counseling, and economic support throughout Armenia, tailored to the needs of girl survivors of sexual violence and child and forced marriage.