



Global Program to Prevent Son Preference and the Undervaluing of Girls
Տղաների նախապատվության եւ աղջիկների թերարժեքման
կանխարգելմանն ուղղված գլոբալ ծրագիր

POLICY BRIEF
ՀԱՄԱՌՈՏԱԳԻՐ

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Համառոտագիրը պատրաստվել է Մարդկային զարգացման միջազգային կենտրոնի կողմից՝ Եվրոպական միության ֆինանսական աջակցությամբ և ՄԱԿ-ի Բնակչության հիմնադրամի կողմից իրականացվող «Տղաների նախապատվության և աղջիկների թերարժեքման կանխարգելմանն ուղղված գլոբալ ծրագրի» շրջանակներում: Սույն փաստաթղթի բովանդակությունը որևէ կերպ չի արտացոլում Եվրոպական միության և/կամ ՄԱԿ-ի Բնակչության հիմնադրամի տեսակետները:



Ծրագիրը ֆինանսավորվում է Եվրոպական
 միության կողմից
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Improving Legal Regulation to Prevent Gender-Biased Sex Selection and Sex-Selective Abortions in Armenia: What are Some of the key issues?



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In 2013 the Commissioner for Human Rights of the Council of Europe addressed several countries, including Armenia, that were facing the grave challenge of prenatal sex selection, and among other recommendations, called upon the governments to develop legislation that will help address the issue, and make changes to the abortion procedures, including adoption of a national legislation prohibiting pre-natal sex selection.

In 2015, with the support of the International Center for Human Development (ICHD), the European Union and UNFPA, the 2015-2017 State Program on Sex Selective Abortions was elaborated, which was approved by the joint decree of the Minister of Health and Minister of Labour and Social Affairs. Within the framework of the program, in 2016 the RA Law on Human Reproductive Health and Reproductive Rights was amended, specifically Clause 10 (Artificial termination of pregnancy (abortion)), and new mechanisms were ensured to prevent unwanted pregnancy, in particular sex-selective abortion.

Upon the initiative of the RA Minister of Health, a relevant amendment was made to the Code of the Republic of Armenia on Administrative Offences to entail administrative liability for violations of the requirements for performing abortions.

After ratification of the amendments, in order to ensure proper enactment of the new regulations, the RA Government adopted Decree N 180-N on “Ratifying the Procedures and Conditions for Artificially Terminating Pregnancy”, which was an attempt to clarify the medical and social indications for abortion and to define specific requirements.

As a follow up, the Ministry of Health sent a circular with all the above-mentioned legal acts to all the medical facilities providing maternity services, and their founders, with a requirement: “To Implement”.

In 2018, a number of decision makers and experts voiced opinions regarding the implementation of the initiatives of the Ministry of Health, which were directed to legally regulating the issue. The statements included assessments of the practice and questioned effectiveness of the implementation. In these assessments it was specifically noted that the lack of common procedures contributed to misinterpreting the newly introduced legal regulations, and resulted in disparate practices of implementing the various components of the legal regulation in different medical facilities. Moreover, even today there is no common template of a medical card for artificial termination of pregnancy, which is a requirement of the above-mentioned decree of the RA Government. Several NGOs and activists sympathizing with the acting government on several occasions have voiced their concerns about the legal regulation, specifically noting that a number of legal requirements and the deficient enactment of these requirements result in real difficulties for pregnant women, especially in terms of accessibility of relevant services, women’s rights and corruption risks.



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In a nutshell, it is clear that that the existing system of legal regulation and the subsequent practices need to be thoroughly assessed and analysed.

The Monitoring Report on Public Policies and Programs to Prevent Gender-Biased Sex Selection and Sex-Selective Abortions in the Republic of Armenia published by ICHD in December 2018 also includes findings regarding the legal regulation and relevant practices. However, there still a need to address this issue in a specifically targeted research.

During the mentioned monitoring, a number of decision makers noted that there is a need for defining a common procedure for artificially terminating pregnancy, in line with the new legislation; and for elaborating a template of a medical card for abortion with a respective guide on how to use, it in order to improve the legal regulation to prevent sex-selective abortions.

Improving implementation of the prescribed procedures and enhancing the capacity of healthcare providers, especially in terms of relevant knowledge and consultation skills, paralleled with changes in their behaviour may become an additional factor to contribute to preventing sex-selective abortions and sustaining the positive results of previous programmes.

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