



ADF INTERNATIONAL

ECOSOC Special Consultative Status (2010)

UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE

**Submission to the 49th Session of the Human Rights Council's
Universal Periodic Review Working Group**

October 2024

Geneva, Switzerland

ARMENIA

Submission by:

ADF International
Rue du Pré-de-la-Bichette 1
1202 Geneva, Switzerland

Web: www.ADFinternational.org
Email: UN@ADFinternational.org

Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the persistent trend of prenatal sex selection in Armenia, resulting in one of the most skewed sex ratios in the world. Noting the significant gaps in the legislation prohibiting this practice, it stresses in particular the need to redouble efforts to tackle the root causes of son preference and daughter aversion.

(a) Prenatal Sex Selection

3. Prenatal sex selection has been a longstanding issue in Armenia. According to the Ministry of Health, about 80,000 girls have not been born as a result of such practices over the last 30 years.¹
4. Based on a 2022 government census, Armenia has a sex ratio at birth (SRB) of 1.12 boys born for every girl, compared to 1.08 in 2021 and 1.10 in 2020. This compares to a natural rate of around 1.05 boys per girl and reflects a recent resurgence of the problem despite some progress in previous years.²
5. Although all regions of the country display a skewed SRB, the divergence is much more prominent in certain parts of the country. Of the eleven *marzes* (territories) of the country, eight saw worsening SRBs from 2021 to 2022, while only one, the southernmost province of Syunik, saw some improvement. The SRB in the southern region of Vayots Dzor went up from 1.06 boys per girl in 2021, close to the natural rate, to 1.24 in 2022. Armavir, Shirak, and Tavush also had extremely skewed rates of 1.19 in 2022.³
6. The sex ratio at birth in Armenia also varies by birth order. The ratio for first-born children is close to the natural rate (1.06), second-born children show a slight skew (1.08), while third and fourth children show an extremely high disparity (1.23 and 1.27 respectively), reflecting the preference for having at least one son in the family.⁴

Legal Framework

7. Article 24 of the Constitution of the Republic of Armenia guarantees the right to life and asserts that “no one may be arbitrarily deprived of his or her life”.⁵
8. Article 29 further prohibits discrimination based on sex, genetic features, birth, or other personal circumstances. Article 30 establishes legal equality between women and men.⁶

¹ G. Sargysan ‘Selective abortion in Armenia’ (22 April 2023) *JAM News*, <https://jam-news.net/selective-abortion-on-the-rise/>.

² Statistical Committee Republic of Armenia ‘The Demographic Handbook of Armenia, 2023’ (2023) <https://armstat.am/en/?nid=82&id=2624>, 73.

³ *Id.*

⁴ *Id.*

⁵ Constitution of the Republic of Armenia (6 December 2015), <https://www.president.am/en/constitution-2015/>, art. 24.

⁶ *Id.*, art. 29 - 30.

9. The Law on Reproductive Health and Reproductive Rights oversees matters related inter alia to pregnancy. Article 10 of the Law on Human Reproductive Health and Reproductive Rights permits abortion on demand up to 11 weeks and 7 days of pregnancy. It further permits abortion up to 22 weeks “in case of medical indications, with the consent of the woman, or in the presence of social indications, according to the written application of the woman”.⁷
10. Based on a 2016 amendment, Article 10(2) explicitly prohibits abortion “in any case not provided for in the list of medical or social indications adopted by the doctor [...] including gender-related interruptions from 11 weeks, 7 days to 22 weeks”.⁸ With modern non-invasive prenatal testing becoming increasingly accessible, allowing the accurate determination of the child’s sex as early as 7 weeks into pregnancy, this provision as amended raises serious concerns about the potential for prenatal sex before the indicated time frame.⁹
11. Article 11 regulates the use of assistive reproduction technologies such as artificial insemination. It prohibits the use of such technologies “to plan the sex of the future child, except in cases where there is a possibility of sex-related disease *or the family has three children of the same sex*” [emphasis added].¹⁰ This latter exception was introduced as part of a June 2021 amendment.¹¹
12. Article 174 of the Criminal Code penalizes “performing an illegal abortion” with a fine and a temporary loss of license of up to three years for medical professionals, or up to three years imprisonment for non-professionals.¹² Article 186 further prohibits “performing any action aimed at the improvement (selection) of a person” with a suspension of license of three to seven years, or imprisonment of up to three years.¹³

Root Causes of Sex Selection

13. There is a general academic consensus that the prevalence of sex selection emerges from the convergence of three distinct factors: son preference/daughter aversion (demand), accessibility of sex selection technology (supply), and overall fertility decline (the “squeeze factor”).¹⁴
14. The SRB imbalance in Armenia began to worsen sharply after 1991, peaking at 120 boys per 100 girls in 2000.¹⁵ This coincided with the country’s independence from the Soviet Union, a period of major economic and social reform. In particular, the increased reliance on family networks and small-scale enterprises during this time may have

⁷ Law on Human Reproductive Health and Reproductive Rights (adopted 11 December 2002, last amended 12 July 2024) <https://www.arlis.am/documentview.aspx?docid=195987>, Art. 10(1).

⁸ Id., art. 10(2).

⁹ H. Bownman-Smart et al. ‘Sex selection and non-invasive prenatal testing: A review of current practices, evidence, and ethical issues’ (March 2020) *Prenatal Diagnostics* 40(4), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7187249/>, 1.

¹⁰ Law on Human Reproductive Health and Reproductive Rights, art. 11(3).

¹¹ Amendments to the Law on Human Reproductive Health and Reproductive Rights (4 June 2021) <https://www.arlis.am/documentview.aspx?docid=153786>, art. 2.

¹² Criminal Code of the Republic of Armenia (adopted 5 May 2021, last amended 11 April 2024), art. 174.

¹³ Id., art. 186.

¹⁴ C. Guilimoto ‘Sex imbalances at birth in Armenia’ (2013) *UNFPA*, https://horizon.documentation.ird.fr/exl-doc/pleins_textes/divers15-05/010063778.pdf, 17-18.

¹⁵ UNFPA ‘Prevalence of and reasons for sex-selective abortions in Armenia (2012), 4.

contributed to reinforcing son preference within the country.¹⁶ This period was also marked by a dramatic overall decline in birth rates, dropping from 2.5 births per woman in the 1990s to 1.6 by 2000, which further heightened the tendency to favor boys.¹⁷ The birth rate has not recovered since, hovering at roughly 1.7 births per woman as of 2022.¹⁸

15. In 2022, the UN Population Fund (UNFPA) conducted a survey involving almost 2000 ever-pregnant Armenian women and their family members, covering a broad geographic and socio-economic range. Of the respondents, 53% indicated that boys were preferred by their communities, compared to 11% who indicated a preference for girls. However, only 18% said boys were preferred in their own family compared to 11% for girls.¹⁹ The disparity between these figures indicates that respondents may externalize responsibility for sex preferences, likely as a result of a social desirability bias, which is explored below.
16. Reasons given for preferring boys over girls within families included claims that sons continue the family lineage (91%), serve as “defenders of the homeland” (83%), act as inheritors of property (67%) and as financial providers (44%). Interestingly, reasons also included that “it pains parents to see their daughter’s hardships” (59%), “it is psychologically difficult to give their daughter in marriage” (58%), “the entire burden of household chores and care is on women’s shoulders” (47%), “after she gets married, the daughter is no longer yours” (43%) as well as fear of domestic violence (41%).²⁰ In contrast, reasons for preferring daughters included their readiness to help parents (67%), provide psychological support (61%), and support and care in old age (56%).²¹ Even among those who prefer daughters, many adopt the same role division as those who prefer boys.
17. For a first pregnancy, men generally had a greater preference for a boy (39%) than a girl (19%), compared to women, for whom the preference was roughly equal (28% boy, 27% girl). Preference for either of the two sexes (as opposed to no preference) increases for later births, depending on the sex of existing children.²² This indicates a desire for a specific family composition, beyond mere number and spacing, which encourages the use of methods of sex selection to achieve it.
18. Compared to a 2017 survey, self-reported attitudes towards sex selection have improved overall, highlighting the significance of awareness-raising programs.²³ However, progress has not been sufficient to address the underlying culture of son preference and daughter aversion, and the self-reported responses do not align with the continued prevalence of sex-selective abortion, as reported in birth statistics, which

¹⁶ UNFPA ‘Armenia: Every Girl Counts’ (November 2023) https://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa_armenia_factsheet_3.pdf, 6.

¹⁷ *Id.*, 7.

¹⁸ Statistical Committee Republic of Armenia ‘The Demographic Handbook of Armenia, 2023’ (2023) <https://armstat.am/en/?nid=82&id=2624>, 60.

¹⁹ UNFPA ‘Prevalence and Causes of Gender-Biased Sex Selection in the Republic of Armenia’ (June 2022), 35.

²⁰ *Id.*, 37.

²¹ *Id.*, 38.

²² *Id.*, 38.

²³ *Id.*, 58.

have remained stagnant over time and even worsened in 2022.²⁴ Other studies corroborate this finding, indicating that social desirability bias contributes to underreporting of sex-selective abortions.²⁵

19. The role played by violence and coercion cannot be overlooked. According to a 2021 World Bank study, although there is no explicit data on sex selection, the majority of women who had undergone an abortion had experienced physical or sexual violence (57.3%), compared to all respondents who have had a pregnancy (18.7%). Furthermore, the majority of women who had an abortion report experiencing physical or sexual violence *during* pregnancy (56.5%).²⁶ In the period of 2015-2021, 30% of all respondents who had given birth indicated that their partner preferred to have a son. 33.8% of these women were exposed to physical or sexual violence.²⁷
20. Armenia has a strongly patrilineal social system, in which family lineage is traced through the male line and daughters are often seen as leaving behind their native family upon joining their spouse. In contrast, it is considered dishonorable for males to join their wives' families, and men in this position are derogatorily referred to as *tanpesa* (house groom). Consequently, sons are regarded as essential for maintaining the family line and preserving family property, while daughters are often viewed as liabilities.²⁸
21. Conflict has also reinforced the perception of boys as future soldiers, with a corresponding sense of patriotic duty for parents to generate and raise strong male children.²⁹

Armenia's Obligations under International Human Rights Law

22. Sex-selective practices, including prenatal sex selection, constitute an egregious violation of the dignity and human rights of girl children, including their rights to life and to equality and non-discrimination.
23. Article 6 of the Convention on the Rights of the Child (CRC) recognizes the inherent right to life of every child and establishes the obligation of states to "ensure to the maximum extent possible the survival and development of the child".³⁰ Article 2 further requires States to "respect and ensure" the child's rights "without discrimination of any kind, irrespective of the child's ... sex, ... birth or other status".³¹
24. According to Article 1 of the CRC, a child is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". This provides an upper limit but no lower limit on when the status of "child"

²⁴ *Id.*, 18.

²⁵ M. Shief, S. Vogt, C. Efferson 'Investigating the Structure of Son Bias in Armenia With Novel Measures of Individual Preferences' (1 October 2021) *Demography* 58(5), 19.

²⁶ World Bank 'Survey on Domestic Violence Against Women' (2021) https://armstat.am/file/article/gbv_report_eng.pdf, 65-66.

²⁷ *Id.*, 66-67.

²⁸ C. Guilmoto 'Sex imbalances at birth in Armenia' (2013) *UNFPA*, https://horizon.documentation.ird.fr/exl-doc/pleins_textes/divers15-05/010063778.pdf, 29.

²⁹ *Id.*, 29.

³⁰ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), art. 6.

³¹ *Id.*, art. 2.

attaches. Viewed in the context of the preamble, which recognizes that “the child ... needs special safeguards and care, including appropriate legal protection *before as well as after birth*”, these provisions clearly imply the recognition of the personhood of the unborn child and the rights attached to that status.³²

25. Article 4 of the International Covenant on Civil and Political Rights establishes the non-derogable nature of the obligation to protect the right to life and guarantee non-discrimination.³³
26. In light of the above, the allowance for sex selection through reproductive methods, based on the number of existing children of one sex, as outlined in Article 11 of the Law on Reproductive Health, is fundamentally incompatible with the State’s international human rights obligations.
27. Armenia’s obligations in the area of prenatal sex selection are also reflected in multiple high-level political documents. In particular, the Beijing Declaration and Platform for Action calls on States to “enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection”.³⁴
28. Relatedly, the Programme of Action of the International Conference on Population and Development states that “in no case should abortion be promoted as a method of family planning”, including evidently when motivated by sex selection.³⁵ Signatories, including Armenia, also committed to “eliminate ... the root causes of son preference, which results in harmful and unethical practices regarding female infanticide and prenatal sex selection”.³⁶ This requires “an integrated approach that addresses the need for widespread social, cultural and economic change, in addition to legal reforms”.³⁷
29. In the previous cycle of the Universal Periodic Review, Armenia supported a recommendation from France to “fight the practice of selective abortions” (153.23).^{38,39} Despite this commitment, progress has not been observed over the reporting period, and in some cases, the situation has even worsened. Armenia must therefore ensure the effective implementation of laws prohibiting all forms of prenatal sex selection, including through the use of prenatal screening, abortion and assistive reproductive technologies.
30. Furthermore, the government should redouble efforts to initiate, invest in, and support awareness-raising and education campaigns aimed at reshaping harmful socio-cultural narratives and affirming the inherent dignity and equal status of women and girls.

³² Id., Preamble.

³³ International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 4.

³⁴ World Conference on Women ‘Beijing Declaration and Platform for Action’ (1995), art. 283(d).

³⁵ International Conference on Population and Development ‘Programme of Action’ (Cairo, 1994), art. 8.25.

³⁶ Ibid, art. 4.16(a).

³⁷ International Conference on Population and Development ‘Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development’ (New York, 1999), art. 48.

³⁸ UN Human Rights Council ‘Report of the Working Group on the Universal Periodic Review: Armenia’ (18 March 2020) <https://undocs.org/A/HRC/44/10>, rec. 153.23.

³⁹ UN Human Rights Council ‘Report of the Working Group on the Universal Periodic Review: Armenia - Addendum’ (6 July 2020) <https://undocs.org/A/HRC/44/10/Add.1>, rec. 153.23.

(b) Recommendations

31. In light of the aforementioned, ADF International suggests the following recommendation be made to Armenia:

- a. Ensure the effective enforcement of laws prohibiting prenatal sex selection, including by adopting appropriate measures to prevent their circumvention;
- b. Amend Article 10 of the Law on Reproductive Health and Reproductive Rights to prohibit sex-selective abortion at any stage of pregnancy;
- c. Amend Article 11 of the Law on Reproductive Health and Reproductive Rights to comprehensively prohibit all forms of sex selection;
- d. Review regulations regarding the performance of prenatal genetic testing;
- e. Adopt effective measures to combat the culture of son preference and daughter aversion, with special emphasis on the prevention of prenatal sex selection;
- f. Eliminate all forms of discrimination against the girl child and the root causes of son preference and daughter aversion, including by developing programmes and policies that increase awareness of the value of the girl child and concurrently strengthen the girl child's self-image, self-esteem and status;
- g. Redouble efforts to promote awareness-raising and educational initiatives to eliminate prejudices and harmful practices perpetuating the culture of son preference and daughter aversion;



VIENNA

HEADQUARTERS

BRUSSELS

GENEVA

STRASBOURG

LONDON

NEW YORK

WASHINGTON, DC



ADF INTERNATIONAL

© 2024

[ADFIinternational.org](https://www.ADFinternational.org)

 facebook.com/ADFIinternational

 [@ADFIintl](https://twitter.com/ADFIintl)