
WOMEN COUNT

The winds of change are here. Bringing more women into peacebuilding. Are you in?

A project of the Global Network of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Colombia, Democratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Nagorno-Karabakh, Philippines, Serbia, Sierra Leone, South Sudan, Sri Lanka, Sweden, and Uganda
Nagorno-Karabakh

Author(s): Women’s Resource Center Armenia

Researchers: Lara Aharonian (Women’s Resource Center Armenia), Knarik Mkrtchyan (Women’s Resource Center Armenia)

Acknowledgements:

We would like to thank the Global Network of Women Peacebuilders (GNWP) for its technical support; Gayane Hambardzumyan from the Women’s Resource Center Armenia in Shushi, Nagorno-Karabakh; and Thomas Hallier, from the International Committee of the Red Cross, Mission in Nagorno-Karabakh.

While the constitution of Nagorno Karabakh (NK) recognizes it as a sovereign state, NK is a territory, as it is not an internationally recognized country. GNWP recognizes that the needs and interests of women in Nagorno Karabakh, related to peace and security, are distinct and deserve careful attention and analysis, which we hope this report provides.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDAW</td>
<td>Convention on Elimination of all forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>EPNK13</td>
<td>European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh</td>
</tr>
<tr>
<td>ETC</td>
<td>Educational Training Center</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organization</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
</tr>
<tr>
<td>IWPR</td>
<td>Institute for War and Peace Reporting</td>
</tr>
<tr>
<td>NAP</td>
<td>National Action Plan on UNSCR 1325</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>NK</td>
<td>Nagorno-Karabakh</td>
</tr>
<tr>
<td>NKAO</td>
<td>Nagorno-Karabakh Autonomous Oblast</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
</tr>
<tr>
<td>WPS</td>
<td>Women, Peace and Security</td>
</tr>
<tr>
<td>WRCA</td>
<td>Women's Resources Center Armenia</td>
</tr>
</tbody>
</table>
I. Women, peace and security profile

A. Nature of the conflict

Nagorno-Karabakh Republic, hitherto referred to as “Nagorno-Karabakh” or NK, was formed on September 2, 1991 on the basis of the right of self-determination, and proclaimed independent by a referendum conducted on December 10, 1991. It covers the region of the former Nagorno-Karabakh Autonomous Oblast, established within the Azerbaijan Soviet Socialist Republic, which covers most of the geographical region of Nagorno-Karabakh. The Constitution of Nagorno-Karabakh Republic proclaims that it is “a sovereign, democratic state based on social justice and the rule of law, where power belongs to the people.” The state power system in the Republic is based on the principles of separation of powers, a balance between the legislative, executive and judicial powers, as well as the distribution of the powers between republican and local authorities. Nagorno-Karabakh is a presidential republic, with 33 members in its parliament, and three parliamentary fractions. The population of Nagorno-Karabakh is estimated to be 141,400, as of 2010.

Since 1988, there has been an ongoing conflict between Armenians and Azerbaijanis over Nagorno-Karabakh (NK), which is also known to Armenians as Artsakh. The roots of the conflict go back to 1917, when the Russian Empire collapsed and independence was granted to three South Caucasus states: Armenia, Azerbaijan, and Georgia. After the Bolsheviks’ expansion into South Caucasus in 1920, and the Republics of Armenia, Azerbaijan and Georgia were formed, the Supreme Council of Azerbaijan and the Caucasian Bureau of the Russian Communist Party recognized Nagorno-Karabakh, 95 percent of whose population was Armenian, as a part of Armenia during a Convention over June to July 1921. Despite the decision made on July 4, 1921, part of Nagorno-Karabakh was, on July 7, 1923, established as an autonomous region within the Azerbaijan Soviet Socialist Republic—so called Nagorno-Karabakh Autonomous Oblast (NKAO)—under the command of Joseph Stalin in Moscow. During the Soviet governance, discrimination towards Nagorno-Karabakh by the Soviet Azerbaijani government, who had officially taken over its governance, impacted the population. As a result, the composition of the NK population changed. In 1923, Armenians amounted to 94.4 percent of the population of Nagorno-Karabakh, but according to 1989 statistics, the number of Armenians had been reduced to 76.9 percent.

The people of NKAO and the authorities of Armenian Soviet Socialist Republic (SSR) sent multiple requests to the Soviet central authorities asking for reconsideration of the decision to incorporate Nagorno-Karabakh to Azerbaijan, all of which were ignored or rejected and their initiators persecuted. “What followed those peaceful demonstrations in Yerevan were a series of pogroms against Armenians in the Azerbaijani cities of Sumgait and Kirovabad-Ganja in 1988. Joint Soviet and Azerbaijani forces deported Armenians living in towns and villages of Azerbaijan bordering Nagorno-Karabakh, and in January of 1990, the forces massacred ethnic Armenians living in the Azerbaijani capital, Baku. Tens of thousands ethnic Armenians were either massacred or displaced.”

The current phase of the Nagorno-Karabakh conflict began in 1988, when in response to the self-determination claims of the Nagorno-Karabakh population, the Azerbaijani authorities organized massacres and ethnic cleansings of the Armenian population on the entire territory of Azerbaijan, particularly in Sumgait, Baku and Kirovabad.

In 1988, Armenian deputies in the local Soviet Assembly of Nagorno-Karabakh voted to unite the region with Soviet Armenia. Following this vote, tensions grew between Armenians and Azerbaijanis living in NK, and inter-ethnic violence broke out between these two nations. In 1991, Azerbaijan and Armenia declared independence from the Soviet Union. On December 10, 1991, Nagorno-Karabakh held a referendum on independence and declared independence as a new state, separate from Azerbaijan. An overwhelming majority of voters cast their ballots in favor of an independent Republic of Nagorno-Karabakh. Local Azerbaijanis boycotted the referendum. However, Nagorno-Karabakh has not been recognized as an independent state by any United Nations member state, including Armenia. In 1992, armed conflict over Nagorno-Karabakh broke out. Thousands of people were killed and hundreds of thousands were displaced due to the conflict.

In May 1994, a ceasefire came into effect through Russian mediation, but no peace agreement was reached. The government formed in NK by ethnic Armenians controlled Nagorno-Karabakh, a former autonomous region, and the bordering Azerbaijani territories, as a security guarantee, or “Green Zone” for Armenian-populated Nagorno-Karabakh. Since then, Nagorno-Karabakh, Armenia and Azerbaijan have held negotiations under mediation of the Minsk group (chaired by the United States, the Russian Federation and France) of the Organization for Security and Cooperation in Europe (OSCE). Sporadic outbursts of gunfire still occur along the border between Armenia and Azerbaijan and along the border of Nagorno-Karabakh, with a violent escalation of conflict between July 31 and August 3, 2014, in which 15 soldiers died. There have also been reports of mine accidents. The most vulnerable areas are the villages near the border, inhabited mostly by women and children.

5 Ibid.
7 Permanent Mission of Armenia to the United Nations, Nagorno Karabagh, see footnote 2.
B. Impact of conflict on women

According to a report by Kvinn till Kvinn, one of the few organizations working for the women’s empowerment in conflict areas of this region, women from conflict-affected groups are in a particularly vulnerable situation. This includes internally displaced persons (IDPs), refugees, women raped during the conflict and those with disabilities resulting from the conflict. Women belonging to conflict-affected groups often lack access to education, employment, health and housing and have no awareness of their rights. Due to the conflict, Nagorno-Karabakh is isolated from many development initiatives, including those that aim to strengthen women’s rights.

Before the conflict, Armenians and Azerbaijanis lived intermingled and both republics housed a large minority of the other ethnic group. Due to the rising tensions between the groups in the late 1980s, an exchange of populations began, sanctioned by the Soviet authorities. When war erupted and violence flared, refugees moved back and forth. Many IDPs and refugees still live in temporary housing and suffer harsh conditions. Women’s organizations strive to integrate IDP and refugee women in their local communities by providing training to give them a better footing in the job market and helping to monitor and represent their rights. For example, in border villages, opportunities are created for women to develop their manufacturing, handicraft and entrepreneurial skills to give them the opportunity to become economically independent and enable them to take care of their families and become decision-makers in the community. Women’s organizations also work to counteract bitterness and vindictiveness within the society, and address post-traumatic stress experienced by victims. In this area, many cross-border dialogue meetings are organized, where women from both sides meet regularly in a neutral space to develop relationships and create a safe space to counter the stereotypes and negative images of the other group and combat intolerance. Most recently, the European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh project (EPNK13), launched through the Kvinn till Kvinn Foundation, supported four organizations from Armenia and Azerbaijan to develop a platform for young women directly affected by the conflict to meet and jointly conduct peace initiatives in the region.

In a region such as Nagorno-Karabakh, it is difficult to pursue gender equality laws and family laws (for example, a law on domestic violence). The difficulty stems from two basic reasons. First, different entities from both civil society and government believe that women living in NK have more rights than in other societies, since they are very active and vocal. For example, during different meetings, discussions, or even in household chores, women participate actively and raise their opinions. This may lead to overlooking of gender inequality and violations of women’s rights in NK. Secondly, the ongoing conflict pushes gender equality to the back seat of the government’s agenda. Based on an official meeting held by the researchers of this report in NK in May 2014 and discussions with both state officials and civil society, it was concluded that the issue of gender equality is not perceived as an urgent problem in NK, because of the disputes over its independence and the lack of security. Moreover, the lack of practical tools and a legal and institutional framework for ensuring gender equality creates a negative atmosphere and discourages women from speaking up about their problems.

In order to understand the actual current situation of women’s rights in NK and the immense impact of the conflict on them, the Women’s Resource Center Armenia (WRCA) along with its branch located in Shushi, NK, held a range of interviews with different stakeholders from the NK government and non-governmental organizations (NGOs). The main emphasis was sexual violence, since data on this issue is not clearly and concretely provided and in many cases there is a total absence of data. As a case in point, during the meeting with the founder of the Educational Training Center (ETC), WRCA representatives found out that ETC staff members had come across a case of rape committed during the war over Nagorno-Karabakh. However, due to lack of resources and experts, they were unable to investigate it.

The impact of the conflict on the economic situation of women in NK has been devastating, even as the situation has improved during the last years. Due to its unique international status, NK does not have sufficient access to many socio-economic opportunities offered by the international community. Today, the majority of international organizations refuse to provide direct funding to many NGOs working in NK because of the lack of international recognition for its independence.

There is also an urgent need to address the health issues and post-traumatic stress experienced by women who lived through the war. After the ceasefire, there was no support in addressing these issues and women continued to live their lives without dealing with the traumatic past they experienced. Many women lost their loved ones and experienced assault and displacement, in addition to the general experience of fear and insecurity brought by war. During the meetings conducted as part of other projects at the Women’s Resource Center Armenia, the women participants, most of whom were refugees, asked the staff to organize sessions with a psychologist to talk about different concerns and issues they have been dealing with since the end of the war.

Furthermore, most of NK’s infrastructure was destroyed during the war, including hospitals and health clinics. Women were most affected by this, since they were not able to access adequate healthcare. Still today, most towns and villages lack adequate health facilities and women have to travel a long way to get medical care. For example, in the town of Shushi, most of the women who come to the Women’s Center complain about the lack of facilities. One woman was explaining how they organize among themselves so one of them visits the gynecologist in the

capital Stepanakert (30 min away by bus) and gets a prescription for contraceptive pills and shares that with her friends. This can potentially harm women’s health, as they take medication without any prior consultation.  

Because of the harsh socio-economic situation resulting from the unresolved conflict and closed borders with Azerbaijan and Turkey, many women in the region have to undertake multiple jobs in order to be able to support their families. Their work is mainly concentrated in the informal sector, doing jobs such as house cleaning, babysitting, farming etc., with low pay and limited benefits. Often, these jobs are not based on a formal contract, and thus, women’s employment is unstable. Women employed under these conditions are not officially registered, and therefore not eligible for maternity or sick leave, nor pension benefits. The common view held by the society in conflict regions is that women should stay at home and there is little or no tolerance for women’s professional activities. The work to improve women’s rights must be specifically focused on provision of safe places for women and increasing their awareness of their rights. While these efforts are important, campaigns and programs encouraging women’s professional development, including trainings, meetings, discussions etc., are also urgently needed in order to make women active and influential in decision-making processes.

Disappearances and separation of families are also serious consequences of the conflict. According to the International Committee of the Red Cross (ICRC) office, there are 4,552 missing persons and their families are still waiting for their return. The ICRC office in Stepanakert, NK is working with the families of the disappeared and offering psychosocial assistance. According to the Ministry of Health of Nagorno-Karabakh, widows of the disappeared, veterans, and dead soldiers face serious health problems due to the additional pressure that stems from being the sole providers and caretakers of their families. Moreover, due to local prejudices, misconceptions and stereotypes, they are less willing to take advantage of the free preventive gynecological services. Widowed women are expected by the society not to have sexual relations and therefore not to need reproductive health care. Thus, if a widow woman turns to a gynecologist, it gives rise to gossip and contributes to her stigmatization and marginalization.

The fact that most of the infrastructure had collapsed or been destroyed during the war, further aggravates women’s situation, since little adequate and quality services are available to women.

C. Relevant legal and policy framework

According to the Department of International Structures and Humanitarian Cooperation of Nagorno-Karabakh, who the research team had contacted, the legal system of NK is overall very similar to the one currently existing in the Republic of Armenia, with some peculiarities.

Nagorno-Karabakh has its own Constitution, as well as the National Assembly, municipal authorities, and the national (unrecognized) government. Despite being unrecognized, the government and the National Assembly can issue laws and policies governing the NK. Furthermore, NK has its own judiciary, police and military (although unrecognized). However, detailed information about these institutions was often inaccessible to the research team, due to the nature and status of NK.

In order to understand the legal system of NK regarding the gender policies and laws responsible for gender equality, an official letter was sent to the Foreign Ministry of NK.

The similarities with the Armenian system are visible mostly with regards to the Constitutions and domestic legislations of Armenia and NK. However, there are important differences in terms of ratification of international treaties. As an internationally unrecognized state, Nagorno-Karabakh cannot ratify international treaties and agreements, including those on gender issues.

Hence, the Nagorno-Karabakh Republic has been practicing unilateral accession to international documents, which means that as a country that has chosen democracy and universal values of human rights and liberties to form the basis of its statehood, it declared its support and commitment to different international documents, without receiving recognition from other member countries of certain institutions, or signatories of certain documents. Thus, the process of NK’s accession to those documents is of declarative character and, as a consequence, the Nagorno-Karabakh Republic is only accountable to itself for its commitment to the implementation of the provisions set in any of those documents.  

According to the information received from the NK Foreign Ministry, the country is committed to implementing the following international documents: UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the CEDAW Optional Protocol, Goal 3 of the Millennium Development Goals to promote women and gender equality, recommendations of the Fourth World Conference in Beijing, a number of ILO conventions, including Convention 100 on Remuneration for Men and Women Workers for Work of Equal Value.

While there is strong interest and commitment to international legal instruments, there is a lack of gender policies and strategies at the domestic level. For example, no initiatives have been taken to draft a National Action Plan on UNSCR 1325 (NAP). Despite its status as a non-recognized state, Nagorno-Karabakh could adopt and implement gender policies and documents, including a NAP. Adopting such policies is a crucial step towards the protection and inclusion of women, which is particularly important due to the profound impact the ongoing conflict in NK has on them.

II. Data presentation and analysis

Because of its status, security situation and the relatively young nature of democracy in Nagorno-Karabakh, access to data on the current status of human rights and gender equality on-the-ground is often limited. Often there is no collected, gender-
disaggregated data on certain issues. Therefore, both qualitative and quantitative research was used to assess the human rights situation and the obstacles women face in accessing their rights. The difficulty in accessing information on women’s rights in the region is further aggravated by the general denial of gender issues. The Women’s Resource Center Armenia has organized and implemented several fact-finding trips in the region to assess the situation, but the researchers were often faced with contradictory reactions. Some interviewees believe that women living in NK are in a better situation than those living in Armenia and believe that inside the NK domestic sphere, women have freedom of choice and are respected. Some also claimed that domestic violence and sexual abuse are not urgent issues for NK and that women are considered more “active” in the society than men. Nonetheless, another group of interviewees claimed that these are the most urgent issues for NK and that it is essential for the country to address them.

A. Participation

Indicator 1 – Index of women’s participation in governance

With the adoption of its Constitution, on December 10, 2006, Nagorno-Karabakh declared itself a sovereign, democratic republic, legal and social state of citizens with equal rights, where each individual’s life, security, rights and freedoms are of supreme value.14 The Constitution also includes a provision for equality of each individual’s life, security, rights and freedoms are of supreme value.14 The Constitution also includes a provision for equality of all citizens and prohibits discrimination based on gender. For these ideals to be made into reality, full and equal participation of women at all levels of decision-making is essential.

**Table 1.1: Number of women in the National Assembly of Nagorno-Karabakh, by fraction (2012)**

<table>
<thead>
<tr>
<th>Name of the fraction</th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;National Democratic Party&quot; fraction</td>
<td>3</td>
<td>7</td>
<td>33.3%</td>
</tr>
<tr>
<td>&quot;Free Homeland&quot; fraction</td>
<td>1</td>
<td>13</td>
<td>7.1%</td>
</tr>
<tr>
<td>&quot;Armenian Revolutionary Federation Movement-88&quot; fraction</td>
<td>0</td>
<td>6</td>
<td>0%</td>
</tr>
<tr>
<td>&quot;Arcakhatun&quot; fraction</td>
<td>0</td>
<td>3</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4</strong></td>
<td><strong>29</strong></td>
<td><strong>12.1%</strong></td>
</tr>
</tbody>
</table>


Nonetheless, the rate of women in NK parliament is far below the 30% recommended by the United Nations.16 Women from civil society are aware of the consequences of the lack of women’s participation in public life. Julia Arstamyan, head of the NGO Harmonia said that, in her opinion, the underrepresentation constitutes a violation of the rights of women. She also pointed out that women are underrepresented in decision-making, despite the fact that “girls do well at school and university” and that “the more senior the position, the more it is to held by a man.”17

**Table 1.2: Gender Structure of Stepanakert municipality staff by sex**

<table>
<thead>
<tr>
<th>Person</th>
<th>2008 Number of Women</th>
<th>2008 Number of Men</th>
<th>2009 Number of Women</th>
<th>2009 Number of Men</th>
<th>2010 Number of Women</th>
<th>2010 Number of Men</th>
<th>2011 Number of Women</th>
<th>2011 Number of Men</th>
<th>2012 Number of Women</th>
<th>2012 Number of Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Deputies</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Chief of Staff</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Municipality Staff</td>
<td>45</td>
<td>25</td>
<td>48</td>
<td>31</td>
<td>46</td>
<td>39</td>
<td>49</td>
<td>35</td>
<td>59</td>
<td>35</td>
</tr>
<tr>
<td>Members of Council</td>
<td>3</td>
<td>11</td>
<td>2</td>
<td>11</td>
<td>2</td>
<td>11</td>
<td>2</td>
<td>13</td>
<td>2</td>
<td>13</td>
</tr>
</tbody>
</table>


**Note:**

14 Constitution of the Nagorno-Karabakh Republic, see footnote 1.


16 The Beijing Declaration and Platform for Action, in Section (G) Women in power and decision-making, at paragraph 182 declares that 30 percent is the target minimum for women’s participation in decision-making levels of government. United Nations, “Beijing Declaration and Platform for Action,” Fourth World Conference on Women, (Beijing: 1995).

Since NK is not a recognized state, some of the information about its infrastructure is not available to the public. This was one of the obstacles the researchers faced while collecting data. The officials were hesitant in providing more in-depth information on certain issues. Thus, it was impossible to get a full picture of women's participation at the local level.

Table 1.3: Government Staff, Ministers and Deputy Ministers, 2008 – 2012

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>Ministers</td>
<td>3</td>
<td>9</td>
<td>3</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>12</td>
<td>14</td>
<td>12</td>
<td>14</td>
<td>2</td>
</tr>
</tbody>
</table>


It is important to note that despite the fact that some women occupy positions in governmental institutions, the needs and interests of women are not necessarily taken into consideration in decision-making. Although women took part in the war and fought side by side with men, post-conflict, there has been a return to traditional, patriarchal values, which prevent women from having impact. Women's influence on decision-making and policies remain very limited. Between 2007 and 2012, women have been appointed as Minister of Justice, Minister of Labor and Social Affairs, Minister of Social Welfare, Minister of Healthcare, and the Minister of Culture and Youth Affairs. However, they were not given posts related to national security, diplomacy, the ongoing conflict and peace processes, or economic matters. Thus, although they are physically present in the public life and occupying governmental posts, they are not necessarily decision-makers, since quite often, even with higher positions, they do not have the power to directly influence on decision-making processes concerning the main political strategies or national security. The researchers were unable to interview the Ministers themselves. However, the information received from the Foreign Ministry indicates that there are few women Ministers and their influence is very restricted.

Rating: No change

Indicator 2 – Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements

On May 5, 1994, a so-called Bishkek Protocol, calling on all parties to stop was signed between the representatives of Armenia, Azerbaijan and Nagorno-Karabakh. On the same day, Vladimir Kazimirov, the plenipotentiary representative of Russia’s President in Nagorno-Karabakh, prepared a permanent ceasefire agreement, which was signed by the Azerbaijani’s Minister of Defense Mamedrafi Mamedov, the Armenian Minister of Defense Serj Sargsyan, and by the NK Army Commander Samvel Babayan. The ceasefire agreement came into force on May 12, 1994. The negotiations that lead to the signing of the ceasefire involved only men from senior positions in the government and the army.

OSCE is the main international actor involved in the peace processes in the NK. In 1994, the so-called Minsk Group was created and tasked with finding a peaceful solution to the Nagorno-Karabakh conflict. The group is headed by Russia, France and the United States. The representatives of all these three countries are men. Women play only an advisory role in the Minsk Group’s activities, with no essential impact on the decision-making process.

Currently, there are no formal peace talks involving Nagorno-Karabakh. The meetings regarding the region are conducted at either foreign ministries or presidential levels of Armenia and Azerbaijan. The exclusive and closed nature of the negotiations means that women are not included, their voices are not heard, and their concerns are not taken into account.

Rating: No rating (No ongoing negotiations)

Indicator 3 – Index of women’s participation in the justice, security sector, and peacekeeping missions

In NK, the judicial power is exercised by courts, based on the Constitution and enforced laws. According to the law, the courts are an independent government sector. The judicial system consists of the Court of the First Instance, Courts of Appeal, and the Supreme Court, as well as specialized courts as provided by the law. The Supreme Court consists of Constitutional and Appeal courts. The mandates, rules of the formation and activities of the courts, are prescribed by the Constitution and relevant laws.

18 Natine Narinmany – Minister of Justice (2007-2012), Minister of Labour and Social Affairs (September 2012 – April 2013), Chair of the NK Supreme Court (2011 through present); Narine Azaryan (Amartryan) – Minister of Social Welfare (2007-2012); Zoya Lazaryan – Minister of Healthcare of the NKR (2012 - 2014); Narine Aghalalyan – Minister of Culture and Youth Affairs (September 22, 2012 through present); Manush Minasyan – Chair of the NK National Statistical Service (October, 2007 – August, 2013), August 14, 2014 was elected Rector of the Artsakh State University, Sibuki Arzumaniany – Chair of Central Electoral Committee of the NKR (July 15, 2013 through present).

20 Phone interview with Armine Alexanyan, Department of International Structures and Humanitarian Cooperation.
through meetings with locals, movie screenings, open discussions on women’s rights and gender equality. The conference held in Shushi on September 16, 2014 was one of the most significant events in this regard. “We need soldiers for our country” was one of the replies commonly given by many individuals, who were asked about women’s career growth.

As a country with a fully established governmental system, NK already has a police and military system. In order to understand the ratio of gender distribution, an official letter was sent to the head of Police. However, Women’s Resource Center Armenia was denied any data since, according to the official reply, the data is classified and consequently the Police cannot provide information about its gender composition.

The decrease in the number of female judges and barristers, along with the patriarchal climate, discouraging women from participating in the security sector, and the ongoing conflict, which creates the sense of insecurity and solidifies gender roles, pressuring women to stay home and take care of the children, are signals that the situation of women in the security sector in NK is deteriorating and is unlikely to improve in the near future.

Rating: Deterioration

**Indicator 4 – Number and percentage of women participating in each type of constitutional or legislative review (including security sector review)**

The Constitution of Nagorno-Karabakh was adopted on December 10, 2006 through a national referendum. Of the 87 percent of citizens registered to vote, 99.5 percent of them voted in favor of the adoption of the Constitution. According to Article 114 of the NK Constitution, in accordance with Part 1, the Supreme Court provides constitutional review. The Supreme Court is comprised of Constitutional and Appeals Courts. It provides the interpretation of the Constitution and guarantees equal application of the law.

Currently, a woman is head of the Supreme Court. However, there was no data available to WRCA that would illustrate overall women’s participation in this sphere.

Rating: No rating (data not available)

### Table 3.1: Percentage of men and women in the judiciary (2009-2012)

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Women</td>
<td>% Men</td>
<td>% Women</td>
<td>% Men</td>
<td>% Women</td>
</tr>
<tr>
<td>Judges</td>
<td>29.2%</td>
<td>70.8%</td>
<td>20.8%</td>
<td>79.2%</td>
</tr>
<tr>
<td>Barristers</td>
<td>47.1%</td>
<td>52.9%</td>
<td>22.8%</td>
<td>77.2%</td>
</tr>
</tbody>
</table>


As table 3.1 shows, women’s participation in the judiciary is much lower than that of men. Furthermore, there seems to be a decreasing trend, particularly with regards to female lawyers. There has been a drop of 6.1 percent in terms of the number of women judges between 2009 and 2012 and by 14 percent with regards to the number of women lawyers. A positive development has been the 2013 appointment of Narine Narimanyan, former female Minister of Labor and Social Affairs, as the Chairperson of the NKR Supreme Court. However, the under-representation of women in the judiciary is still very clear, and there is no sign of overall improvement.

The under-representation of women in the justice sector can be explained by two main factors. On one hand, the strong and deeply rooted patriarchal system of norms and traditions in NK results in the division of professions into “male” and “female.” Law is mainly considered to be a man’s domain and there are few women attending law schools. Moreover, the jobs offered to law graduates are very demanding in terms of time commitment and character of the work. This discourages many women from undertaking them, since they are expected to spend the most time of their day with their children, families, and be engaged in household chores. On the other hand, even women who receive legal education and start working as lawyers are often pressured to interrupt their careers in order to be good mothers to their children and good wives for their husbands.

The ongoing conflict has direct influence on this situation. The sense of insecurity and the status of NK as an unrecognized country creates the sense of a need for more soldiers and citizens, and women are highly encouraged to have as many children as they can. Today, this kind of attitude towards women is very common among CSOs and governmental entities in NK. Through its work and advocacy on women’s rights for the past seven years, Women’s Resource Center Armenia, along with its branch located in Shushi, has had ample opportunities to observe this attitude among grassroots organizations and local populations through meetings with locals, movie screenings, open discussions on women’s rights and gender equality. The conference held in Shushi on September 16, 2014 was one of the most significant events in this regard. “We need soldiers for our country” was one of the replies commonly given by many individuals, who were asked about women’s career growth.

As a country with a fully established governmental system, NK already has a police and military system. In order to understand the ratio of gender distribution, an official letter was sent to the head of Police. However, Women’s Resource Center Armenia was denied any data since, according to the official reply, the data is classified and consequently the Police cannot provide information about its gender composition.

The decrease in the number of female judges and barristers, along with the patriarchal climate, discouraging women from participating in the security sector, and the ongoing conflict, which creates the sense of insecurity and solidifies gender roles, pressuring women to stay home and take care of the children, are signals that the situation of women in the security sector in NK is deteriorating and is unlikely to improve in the near future.

Rating: Deterioration

21 The data refers to judges at all levels of the judiciary: First Instance Courts, Appeals Courts and the Supreme Court. More detailed data was not available.
22 Women’s Resource Center Armenia could obtain this information through its meetings and interviews with local women, WRCA volunteers, and beneficiaries of the Women’s Resource Center Armenia in Shushi.
23 On September 16, 2014, WRCA organized a conference on Women, Peace and Security. During this conference there were many comments on this very issue. Participants (NGO representatives, individual activists, women living in NK) kept emphasizing that for the sake of the security of the nation, women should have as many children as they can to give birth to mothers and soldiers.
Indicator 5 – CSOs in task force/committees on UNSCR 1325 and 1820 (out of total task force members)

NK is not a recognized state, nor a member of the United Nations. This situation results in many challenges with regards to the implementation of the provisions of UNSCR 1325. So far, no steps have been taken by either the government or civil society to develop a NAP on UNSCR 1325 and 1820.

This report can be considered as a first step towards the recognition of UNSCR 1325 as a very significant and helpful tool in protecting women's rights and for the adoption of gender equality in Nagorno-Karabakh.

Rating: No rating (data not available)

B. Prevention and protection

Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized

Violence against women is still a very taboo subject in NK and therefore it is impossible to access the data and information about its prevalence. Most of the NGOs interviewed by the WRCA either did not want to speak about the issue or claimed that the problem does not exist. There is no data available to evaluate the extent of sexual and gender-based violence (SGBV) in NK.

The founder of the ETC, Sveta Jangiryan, emphasized that in order to deal with the cases of rape committed during the war, one has to work with the victim for years in order to understand the overall situation and context of the crime and gain the trust of victims. Besides, while conducting any kind of research, the researchers have to take into account that in many cases a long time has passed since the crime and in order not to re-traumatize the victim, they must be very careful with their questions, as well as with the research.

The prosecutor’s office in Nagorno-Karabakh told WRCA that in 2009, nine cases of sexual crimes were recorded, of which two were rapes or attempted rapes, and seven related to “immoral behavior.” However, these numbers are likely to be gross underestimations due to a culture of silence. There is no more recent data available.

Because of the male-dominated culture and widespread acceptance of domestic violence in NK society, women are unlikely to speak out against it, since they do not see it as being in any way abnormal. WRCA interviewed Karine Grigoryan, 38, who got married when she was just 20 to a man ten years her senior. She said that her husband often prevented her from leaving the house when he was in a rage. She said, “It never occurred to me that he was violating my rights. That was probably a result of my upbringing. From childhood, I was taught that a woman has to listen to a man, and that he decides everything in the family.”

Rating: No rating (data not available)

Indicator 7 – Number and quality of gender-responsive laws and policies

NK does not have a gender equality policy. Gender-specific laws are not viewed as a priority for NK government according to our recent official meetings. No further information was available on this indicator.

Rating: No rating (data not available)

Indicator 8 – Number and nature of provisions/recommendations in the truth and reconciliation commission (TRC) and other transitional justice reports on women’s rights

There is no commission in charge of reconciliation and transitional justice in Nagorno-Karabakh. There has been no peace agreement signed so far and therefore the conflict is still ongoing.

Rating: Not applicable.

Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes

Aid received from international organizations is not gender-specific and the exact number or percentage of the amount received solely by women is not available. The aid is mainly distributed to families.

During the meeting with the head of ICRC in NK, Thomas Hallier, WRCA learned that ICRC does not have any special programs focused specifically on women and their data (from after the war) is not gender-disaggregated. When giving any economic help to a family, they choose the member who is both physically and psychologically able to provide further financial help to the family as the recipient, regardless whether the recipient is a man or a woman.

USAID, the United States’ international development agency, has been providing humanitarian aid to NK since 1998. Between 1998 and 2010, approximately USD $35 million has been allocated to Nagorno-Karabakh. However, there has been no gender-specific criteria for allocation, and gender-disaggregated data is not available.

Rating: No rating (data not available)

C. Promotion of a gender perspective

Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law

There is no information available about trainings for military and police in NK.

Rating: No rating (data not available)

Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government

Since NK is not a recognized country, many international organizations do not provide direct funding to civil society organizations (CSOs) in NK, nor to the NK government. During the meetings with CSO representatives in NK, WRCA found out that quite often, many of them work without any financial help, relying on the help from their volunteers. International organizations frequently fund independent experts on conflict resolution, or other related topics, working in NK. Yet, when it comes to NGOs, many organizations refuse to provide them with funding, since they do not want to risk diplomatic problems in their relations with Azerbaijan.

Rating: No rating (not applicable, since NK is not a recognized country)

III. Conclusion and recommendations

Conclusion

Nagorno-Karabakh’s status as an unrecognized state is one of the main challenges in monitoring and protecting its women’s rights. Because of its status, the CSOs operating in NK find it more difficult to access funding for women, peace and security (WPS). Furthermore, because there has been no peace agreement, the conflict is still ongoing. Due to an unstable security situation, the NK government does not prioritize issues on WPS and instead focuses on establishing NK as a country.

The traditional, male-dominated culture, and denial of violations of women’s rights are additional factors that make protection of women’s rights and implementation of the WPS agenda challenging. They also made it difficult to gather data for this report.

Despite these challenges and despite not being a recognized country, Nagorno-Karabakh’s government can develop and implement laws and policies concerning women, peace and security, as well as a NAP for the implementation of UNSCR 1325 and subsequent resolutions. However, there has been no such initiative undertaken so far. This report can be therefore seen as a first, positive step towards introducing WPS into the political agenda in Nagorno-Karabakh.

Recommendations

To Government:
- Create better mechanisms to monitor and document cases of women who were directly affected by the conflict;
- Monitor and document cases of SGBV and domestic violence;
- Create resources to support women experiencing violence, including SGBV, such as safe houses, crisis centers, counseling services;
- Undertake measures to respond adequately to domestic violence and SGBV, such as national gender plans to combat gender-based violence, domestic violence legislation, reform of the police to work with cases of DV and SGBV, and reform of the judicial sector on gender issues and violence;
- Mainstream UNSCR 1325 into the work of all government ministries;
- Develop a National Action Plan for its implementation;
- Create official reporting mechanisms on UNSCR 1325;
- Provide training for soldiers and staff in the Ministry of Defense, as well as the police of the unrecognized Republic of Nagorno-Karabakh on gender issues, women’s security and protection during conflict, and SGBV. Ensure that these trainings include direct references to UNSCR 1325 and 1820;
- Increase women’s representation in different Ministries and other decision-making posts;
- Provide training for the police on how to handle domestic violence and SGBV cases;
- Provide training for the judicial institution’s staff on gender issues and women’s rights, and on how to prosecute domestic violence.

To UN and OSCE:
- Create committees that can monitor the situation of human and women’s rights violations in non-recognized Nagorno-Karabakh Republic;
- Create committees to support refugees and IDPs, especially women, in non-recognized Nagorno-Karabakh Republic;
- Organize official hearing session for women living in the conflict area to better understand their needs and the challenges they face, as well as their views on the current conflict and peace;
- Encourage and promote UNSCR 1325 civil society monitoring reports from conflict areas and unrecognized territories, such as Nagorno-Karabakh;
- Directly support women’s groups and organizations working in the conflict territories in Nagorno-Karabakh;
- Provide opportunities for capacity-building for women’s peace groups in Nagorno-Karabakh;
- Provide protection and recognition for women peacebuilders in conflict regions, where support is scarce and most women human rights defenders are isolated from the international community;
- Organize regular consultation meetings between UN representatives and women’s groups from conflict regions, specifically Nagorno-Karabakh;
- Organize regular visits of special rapporteurs on human rights to Nagorno-Karabakh;
- Provide training for the unrecognized government and the civil society representatives in Nagorno-Karabakh on transitional justice;
- Include women’s groups and women representatives for official meetings with OSCE Minsk group visiting the conflict region of Nagorno-Karabakh.

To civil society:
- Mainstream gender issues into different programs;
- Create coalitions and networks with common agendas focused on women, peace and security;
- Raise awareness on women’s rights issues, including domestic violence and reproductive rights;
- Develop your capacities and knowledge on UNSCR 1325, and raise awareness about its provisions in the entire region, including rural areas of Nagorno-Karabakh;
- Develop your knowledge and capacities on transitional justice;
- Engage the general public in the conflict area in the dialogue on the post-conflict solutions and views on peacebuilding;
- Inform the general population of the political and economic situation associated with the conflict;
- Use the local media and public forums to raise awareness on the importance of dialogue and tolerance in society to resolve the conflict.

To donors:
- Provide women’s organizations with direct resources both for service provision and advocacy work;
- Develop the capacity of women’s organizations in the conflict regions;
- Include female experts in the working groups on peacebuilding projects and cross-border dialogue;
- Include women’s groups and NGOs from conflict regions and unrecognized territories as equal partners in all peacebuilding and cross-border initiatives.
IV. Bibliography


Interviews:

Albert Voskanyan, Kavkazsi Uzel, May 18, 2014, Stepanakert, NK.

Masis Mayilyan, Politician, May 18, 2014, Stepanakert, NK.

Anahit Bakhshyan, Stepanakert Press Club, May 18, 2014, Stepanakert, NK.

Hasmik Miqayelyan, Motherhood NGO, May 18, 2014, Stepanakert, NK.

Karen Mirzoyan, NK Minister of Foreign Affairs, May 19, 2014, Stepanakert, NK.

Armine Alexanyan, NK Ministry of Foreign Affairs, May, 19, 2014, Stepanakert, NK.

Harutyun Kashkanyan, NK Minister of Health, May 19, 2014, Stepanakert, NK.

Vladimir Ghulyan, NK National Assembly Chairman, May 19, 2014.

Karen Ohanjanyan, Helsinki 92 NGO, May 20, 2014, Stepanakert, NK.

Sveta Jangiryan, Educational Training Center NGO, May 20, 2014, Stepanakert, NK.

Thomas Hailler, International Committee of the Red Cross, Mission in Nagorno Karabakh, September 15, 2014, NK.