**Mandate of the Independent Expert on the enjoyment of all human rights by older persons**

**Call for inputs: Violence, abuse and neglect against older persons**

1. **Legal, policy and institutional frameworks**

* According to Article 29 of the Constitution, everyone shall be equal before the law and discrimination based on any ground, such as sex, race, color, ethnicity, origin, language, religion or belief, belonging to a national minority, or other personal or social circumstances shall be prohibited. This provision may be directly invoked before the domestic courts.

Furthermore, the principle of equality before the law becomes an imperative for the elimination of all kinds of discrimination, which implies that there can be no possibility of any difference, exception or preference based on gender, race, ethnicity or other characteristics in the law because such an approach leads to the abolition or violation of equality of legal opportunities of a person.

The new Criminal Code of Armenia, adopted by the National Assembly in 2021, entered into force on 1 July 2022. The new Code criminalizes discrimination as a distinct offence, providing the detailed and extensive definition of the offence, including the aggravating grounds, in particular:

Article 203. Discrimination

Discrimination – a manifestation of a differential treatment, which violates the person’s honor and dignity or the rights and freedoms or by which the person is given advantages, absent of any objective grounds or legitimate purpose, on the basis of sex, race, skin color, ethnic or social origin, genetic features, language, religion, world vision, political or other opinions, being a national minority, property situation, birth, health, disability, age or other circumstances of personal or social nature — shall be punished by a fine in the maximum amount of ten-fold, or public works for the term of maximum hundred hours, or restriction of liberty for a term of maximum one year or short-term imprisonment for a term of maximum one month.

 (…)

As opposed to the former Criminal Code of Armenia, the new Criminal Code has added circumstances that can be the basis for discrimination. For example, if previously the disability was mentioned as a circumstance, the new Criminal Code added health status of a person.

In addition, if previously it was about violating the rights or freedoms of a person, then in the new Criminal Code it is also about giving advantages to a person without an objective basis or legal purpose.

Referring to violence, it must be noted that the domestic violence is prosecuted under general statutes on violence and carries various sentences depending on the charge (murder, battery, light battery, rape, etc.). Nevertheless, there is a separate law on the prevention of violence within the family, protection of victims of violence within the family and restoration of peace in the family.

However, the legislation of the Republic of Armenia yet does not have a separate, independent law on the prohibition of discrimination. Instead, numerous legal norms on the elimination of discrimination are scattered in different legal acts, each regulating only the concrete sphere for which a given legal act is adopted.

* On 13 December 2017, the National Assembly of Armenia adopted the Law of the Republic of Armenia "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in family", which regulates the organisational and legal grounds for the prevention of domestic violence and protection of persons subjected to domestic violence, defines the concept of "domestic violence", as well as the powers of the competent bodies in the field of prevention of domestic violence and protection of persons subjected to domestic violence, the types of protective measures, the grounds for their application, the peculiarities of reconciliation between victims of domestic violence and perpetrators, legal protection of data on persons subjected to domestic violence. Proceeding from the principle of priority of ensuring the safety and protection of persons subjected to domestic violence, including older persons, this Law has laid down the types of domestic violence: physical, psychological, sexual, economic and neglect. At the same time, the Law has clearly laid down the types of protective measures for persons subjected to domestic violence, including older persons.
* In 2021, the Minister of Labour and Social Affairs of Armenia issued an Order of No 171 A/1, which particularly referred to older persons and/or persons with disabilities under care at 24-hour caretaking institutions for social protection of the population that operated under the Ministry of Labour and Social Affairs.

The mentioned Order regulates the process of detecting, preventing cases of violence against beneficiaries under care at 24-hour caretaking institutions, informing the relevant bodies and providing the victims with social-psychological support through appropriate registers, reports and social-psychological recovery programmes.

**2. Manifestations of violence**

* Studies have shown that, like other age groups of the population, older persons also are primarily subjected to physical and psychological violence. Domestic violence against older persons is primarily manifested as a result of disagreements over domestic issues.

**6. Access to information**

* Officers of the specialised subdivision of the Police of the Ministry of Internal Affairs of Armenia clarify older victims of domestic violence about the opportunities on enjoyment of their rights and available services and refer them to support centres and shelters. At the same time, for the purpose of providing relevant assistance to older persons, officers of the specialised subdivision of the Police co-operate with local self-government bodies, unified social services, non-governmental organisations, as well as interested state structures functioning in the field of prevention of domestic violence.