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HUMAN RIGHTS AND DEMOCRACY IN EASTERN PARTNERSHIP: TRENDS AND DEVELOPMENTS

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STUDENT ARTICLES

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REGIONAL MASTER'S PROGRAMME IN HUMAN RIGHTS AND DEMOCRATIZATION IN THE CAUCASUS

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PROTECTION OF THE RIGHTS OF CHILDREN WITH AUTISM IN BELARUS

Katsiaryna Maksimenko

Abstract:

There are more than 30,000 children with autism living in Belarus[1]. They are considered as those with special mental or physical development. Such special needs are treated with additional attention from the side of paid by the government, society and families. The article describes how the situation of children with autism is developing in the Republic of Belarus. There are international declarations and conventions, national decrees and enactments defining and securing the rights of children as well as children with special mental or physical development mentioned in the paper. International and national institutions implementing and responsible for the realization of the rights of children with special mental or physical development with their executive functions are mentioned in the work. The article is dedicated to the practical implementation of the children rights in the Republic of Belarus on governmental and non-governmental level. The main principles, ideas, projects are described. The difficulties that the organizations face during the implementation of the projects and problems to exercise the rights of children with disabilities are noted in the thesis. A considerable part of the article is addressed to the ideas, goals and activities of the International Charitable Public Organization "Children. Autism. Parents."

Keywords: *Autism, protection of children rights, UNICEF, UNDP, UNFPA, Republic of Belarus, special mental or physical development, SMPD, National Commission, National Action Plan, inclusive environment, inclusion, Child Friendly Cities, fundamental rights, Non-governmental organizations.*

1 Unicef, Regional office for CEE/CIS (2009) Early Childhood Intervention, Special Education and Inclusion: A Focus on Belarus. Minsk: «Altiora – Live Colours». https://www.unicef.by/uploads/models/2017/02/belarus.eci.english.pdf. Accessed to 28 August, 2018.

In many countries, for one reason or another, children are subjected to social exclusion, violence, hunger and disease. The issue of children's rights protection also remains relevant in Belarus. Considering this sphere, it should be noted that in the Republic of Belarus various kinds of critical situations arise from time to time, causing children to suffer. Children with disabilities and with special mental or physical development (SMPD), which is a particularly vulnerable category, can be considered as a separate group. Their status requires constant monitoring, improvement of institutions and mechanisms for the protection of their rights, as well as the investment of power, funds and efforts for the integration of such children into the society, the creation of necessary conditions for fulfilling their life. With the absence of well-developed programs for successful integration, the daily existence of this group of the population can be compared with the constant struggle for life, which can and should be facilitated by both the state and civil society.

In September 2015, the President of the Republic of Belarus issued a decree on signing the Convention on the Rights of Persons with Disabilities. Before the decree, there was a Presidential program "Children of Belarus" conducted for 2001-2005, 2006-2010 and 2011-2015. It proposed a comprehensive approach to addressing the protection of children's rights in the Republic of Belarus. The following program objectives were identified: to create the conditions and infrastructure necessary for the full physical, spiritual, and mental development; to improve the quality of preparation and adaptation of children to life in a modern society. Every six months, the coordinators submitted reports containing an analysis of the work done, for the Government consideration.[2]

To achieve the set goals it was necessary to solve a number of tasks, such as improving the quality of life of families with SMPD children, promoting health and healthy lifestyles for children, preventing child disabilities, ensuring optimal functioning of children with disabilities, preventing social orphan hood, producing high-quality and environmentally friendly baby products.[3]

Most of legal laws and by-laws related to the protection of children's rights are mainly aimed at the comprehensive development of the concept of child safety, which redefines a key component of the child protection system, which is the interaction of services, parents and children. There is a service design centered on the safety of the child, the subordination of the

2 Presidential Program "Children of Belarus". http://www.mfa.gov.by/docs/en/bf_2006/09.Public%20health.pdf. Accessed to 28 August, 2018.
3 Ibid.

interests of parents to the interests of the child, and restricting the autonomy of the family in favour of the powers of the services and specialists. The state is positioned as a key security agent. The old system of services and organizations is complemented by new services, and the key organizational solution is to combine institutions into a single system.

An analysis of the current system for protecting children in Belarus points to significant shortcomings in institutionalization. Three interrelated limitations of the system of services in the context of the ratio of central and local government can be pointed out:

- monopolization of the protection of childhood by the state and minimization of the actors' participation ;
- universalization of services by combining services into complex organizations;
- duplication of activities of services and blurring the boundaries of responsibility.

A modern three-phase model of a child protection is built up with: (a) prevention, (b) crisis intervention, (c) post-crisis care. Each of these stages is initiated by certain institutions. In Belarus, in this case, the principle of "unified service" is in effect, when the whole variety of types of interference in family affairs is carried out by the same service, or its complex under a single administrative element.

At the level of local executive and administrative bodies, the functions of management and decision-making on child protection issues are performed by the child protection sectors of education departments (departments), guardianship agencies, juvenile affairs commissions (JAC).

The JAC and the Guardianship Authorities were established in Soviet times (in 1918 and 1971, respectively), while the child welfare sector appeared in 1999. The activities of these three bodies are not sufficiently delimited, and they overlap each other both in the field of organization of control and crisis intervention, and in the field of assistance.4

Based on the analysis of the functions of the designated services, the following points can be noted. First, all services operate on the principle of "universality", that is, they participate in processes at all stages of protecting the rights of minors (prevention, intervention and care). Secondly, services practically merge into one service; thirdly, they duplicate each other's functions and fourthly, a preferential orientation is developed towards control and intervention in the affairs of the family, especially at the stage of prevention.

4 "On Approval of the Regulations on the Guardianship and Trusteeship Bodies in the Republic of Belarus", *"Resolution of the Council of Ministers of the Republic of Belarus*", N 1676 (October 28, 1999).

The executive structure for the protection of the rights of children consists of several types of services, which differ both in focus (i.e., focused on specific target groups) and in departmental affiliation. The universal services that should work with all categories of children are the socio-psychological services of educational institutions (SPS) and the territorial centers of social services (TCSS) that were created in the late 1990s. In addition, there are more specialized bodies, precisely: socially pedagogical institutions (SPI) aimed at helping children without parental care, and juvenile affairs inspectorates (JAI), which work under the Ministry of Internal Affairs and carry out a set of measures for the control and prevention of adolescents in conflict with the law.

Inspections on juvenile affairs were established as early as in 1977. In independent Belarus, this service has not undergone significant changes and is still, in fact, a highly specialized body designed to deal with the prevention of crime and neglect. These services monitor mainly through regular preventive raids into families and the maintenance of various forms of accounting. Three other services were formalized in independent Belarus in the late 1990s, with the aim of developing the sector of social and psychological assistance to the population (SPI, SPS, and TCSS).

The professionalization of child protection institutions faces certain difficulties. For example, the institutionalization of child care requires intensive staffing, which is a difficult task.

Today, the National Action Plan to improve the situation of children and protect their rights for 2016-2020 is being implemented in the Republic of Belarus. The coordinator of the activities for its implementation is the National Commission on the Rights of the Child, which consists of high-ranking representatives of ministries and departments subordinate to the President of the Republic of Belarus.

The national plan includes 103 events. Their implementation is entrusted both to state authorities and public associations, with the financial support of international organizations. To realize the rights of children with special mental or physical development (SMPD) the following measures should be taken: “provision of assistive devices, applications and software; ensuring the availability of sports and leisure activities; ensuring an increase in the level of interdepartmental cooperation on the issues of organizing comprehensive assistance to families raising disabled children and children with special needs; developing effective integrated care practices; ensuring the availability of education by using distance learning technologies; carrying out activities aimed at the development of creativity, physical

culture; attracting legal representatives to work to ensure the successful adoption of educational programs by children."[5]

The abovementioned measures contribute to the possibility of providing quality assistance, predetermine the improvement of social rehabilitation, the development of areas of the educational process, including culture and sports, and, also involve children with special needs in the development process.

The practitioners of these activities are the Ministry of Labour and Social Protection, the Ministry of Education, the Ministry of Health, the regional executive committee, the Minsk city executive committee, other government bodies, public associations, UNICEF, other international organizations.[6]

The Republic of Belarus has developed a broad system for protecting the rights and interests of children. Among non-governmental public associations, international organizations stand in a separate row. One should note the activities of representatives of the UN International Children's Fund, the Association of UNESCO Clubs, the UN Development Program, the UN population Fund (UNFPA), the Belarusian Red Cross Society, and the International Association for Migration.

Each of all the above-mentioned representatives of the interests of children uses its own approaches, methods and tools, and acts in its specific areas and directions. Their activities are constantly intersected, which, unfortunately, can cause contradictions, difficulties and conflicts. The main task in such cases is the common goal, which is the protection of the rights of children. Moreover, to achieve it, it is necessary, first, to remember that it is better to cooperate and jointly come to the results. After all, children are the future of each state, and as they grow up, they absorb everything from their environment in order to change and use this environment for their own purposes. It is much better if they see positive examples around them.

5 «Об утверждении Национального плана действий по реализации в Республике Беларусь положений Конвенции о правах инвалидов на 2017 – 2025 годы,» Постановления Совета Министров. Accessed September 8, 2018. http://www.government.by/ru/solutions/2911.

6 «Утвержден Национальный план действий по улучшению положения детей и охране их прав на 2017 – 2021 годы,» Council of Ministers of the Republic of Belarus (Совет министров Республики Беларусь), September 25, 2017,. Accessed September 7, 2018. http://www.government.by/ru/content/7517.

Taking into account that the government bodies carry out the program, relying on the national budget, it turns out that non-governmental organizations (NGOs) are coming to the fore in international cooperation. The goal of NGOs is to implement local socially oriented initiatives. Most often, such organizations are non-profit and operate through membership fees and foreign funding.

Often, the main cash flow comes from grants received from foreign embassies located on the territory of the Republic of Belarus. However, there are other programs (for example, Erasmus+, EVS, Global Talent, AEGEE, Global Volunteer) that facilitate the dissemination of necessary information, the provision of financial resources, the material component, additional sites and human potential for conducting trainings, seminars, long-term development projects, trainings, highlighting the problem of violation of the rights of children, including children with disabilities among the masses.

A separate issue is the implementation plan for an inclusive environment, which is still only at the development stage. Free access to all social areas and services will allow people with disabilities to integrate into the daily life of the rest of society. Without such a development, it is impossible to overcome the syndrome of social passivity, which manifests itself from early childhood.[7] The activities of rehabilitation centers in this field are very limited and based only on the necessary minimum, while with some support from the state and society, children with disabilities and unlimited potential could reach heights in certain areas, such as art, photography, design, science, cooking, sports and etc.[8]

Cooperating with each other, non-governmental organizations can create joint working groups and initiatives, helping to discuss certain problems, such as creating inclusive projects. NGOs can bring in ideas and changes to streamline and simplify solutions to pressing issues, thus helping government actors to implement children's rights protection policies.

It is necessary to note the results and outline the prospects for UNICEF activities in the Republic of Belarus, which has been a member of UNICEF since 1953. The UNICEF office was solemnly opened in Minsk in 1997, in 2007 the main cooperation agreement between the Republic of Belarus and the International Children's Fund was signed. Belarus has repeatedly been

7 "Materials of the round Table "Prospects for the Introduction of the Institution of the Ombudsman for the Rights of the Child in the Republic of Belarus". http://mfa.gov.by/en/press/news_mfa/dfb9497b655940c9.html. Accessed September 8, 2018.

8 Law of the Republic of Belarus "On Social Protection of Disabled Persons in the Republic of Belarus". http://law.by/document/?guid=3871&p0=V19101224e. Accessed September 8, 2018.

a member of the Executive Board, the governing body of UNICEF.[9]

The cooperation of the Republic of Belarus with UNICEF is carried out on a long-term basis. Currently, the Country Program for 2016-2020 is being implemented. It is based on the national priorities of the Republic of Belarus in the field of social development, health and education.[10]

The country program is closely linked to the agenda of the CEE and CIS countries as presented by the UNICEF Regional Office in Geneva. Priority activities include the following: strengthening the system for monitoring and improving the quality of statistical data on the status of children and women; promoting early childhood development and disseminating the principles of "Responsibility of Parenthood". In addition, it encompasses the inclusion and protection of the rights of children with special mental or physical development, as well as the prevention of placement of children up to 3 years in boarding schools; prevention of mother-to-child transmission of HIV, and promotion of healthy lifestyles among young people; child injury prevention; counteraction of domestic violence, etc.

The UNICEF Global Initiative Child Friendly Cities has been actively developed[11]. The idea originated in the early 90s of the last century. Its implementation started in 1996. With each passing year, the urbanization of states has been growing. Adults moving to cities primarily think of more opportunities for learning, health care, cultural development and the overall realization of themselves and their children. However, at the same time, the city is a danger to minors. A large amount of transport leads to air and environmental pollution; living in separate apartments, lack of communication with neighbours, remoteness from relatives, and distrust of others also leads to the social closeness of children. The risk of falling into the "bad company", usage and distribution of illegal substances increases. According to the activists, the initiative "Child Friendly Cities" should serve as an initiative to creating cities that primarily satisfy the needs of children.[12]

9 Sergei Shcheglov, "The United Nations Children's Emergency Fund (UNICEF)". https://www.worldatlas.com/articles/the-united-nations-children-s-emergency-fund-unicef.html. Accessed September 8, 2018.

10 Ibid.

11"Regulations on the "Children Friendly City" Project in the Republic of Belarus (Положение о "Городе, дружественном детям" в Республике Беларусь)", Национальный центр художественного творчества детей и молодежи. Accessed September 6, 2018. http://nchtdm.by/gorod_druzhestvennyj_detyam/polozhenie_o_gorode_druzhestvennom_detyam_v_respublike_belarus/.

12 "Regulations on the "Children Friendly City" Project in the Republic of Belarus. https://www.unicef-irc.org/research/child-friendly-cities. Accessed September 8, 2018.

Thus, the fundamental goal of the initiative was to create a safe and child friendly urban environment. To achieve this goal, any city, after analyzing the present state of affairs and wishing to join the initiative, , has to create all possibilities for realizing the minor residents' human potential of the given city; resist the spread of drug addiction, smoking, alcoholism. Besides, it has to create child-driven city bodies that promote the development of favourable infrastructure; draw attention to environmental problems by introducing educational environmental programs; combine all possible institutions and means to ensure and implement the protection of the rights and interests of children, including children, with special needs.

The first pilot project of the initiatives of friendly cities in the Republic of Belarus was implemented in 2008. During the 10 years period, 25 cities of Belarus have joined the program, joining the initiative and becoming "friendly to children". In each of these cities, detailed actions were approved, and Coordination Councils for the project implementation and monitoring of the effectiveness of the applied policies were created. Youth parliaments are being created, which present the connecting link between the governing bodies and the youth.[13]

Thanks to this program, a large part of the population is involved in ensuring a better quality of life and adults' and children's become morally and professionally developed. Overall life indicators are improving not only at the local, but also at the national level. Thus, spending time with benefits, the citizens of the Republic of Belarus make a huge contribution to the happy future of the country.

As stated in the annual report of UNICEF and according to the results of the research, conducted as part of the joint work of the Government of the Republic of Belarus and UNDP, it was revealed that 60% of children with disabilities did not attend interest clubs, 49% did not attend public entertainment places and about 30% felt a negative public attitude.[14] This information confirms the existing problem of inclusion of children with disabilities in the society. To solve this problem, retraining and advanced training courses for social workers are carried out. Educational work is carried out through the media, advertising campaigns, photo and art exhibitions made by disabled children. Some libraries in the country procure special equipment (video enhancers and audio) and additionally, the "audio guide" system is used in the museums.[15] All these measures require huge

[13] Ibid.

14 "Materials of the round Table "Prospects for the Introduction of the Institution of the Ombudsman for the Rights of the Child in the Republic of Belarus".

15 Law of the Republic of Belarus "On Social Protection of Disabled Persons in the Republic

financial investments that cannot be made only at the expense of the country's budget.

Therefore, the following is planned for 2016-2020:

- Approbation of educational programs of general secondary education in the conditions of inclusion of persons with SMPD (2018–2021) - 19 institutions throughout the country.
- Approval of the organization of vocational training of students with SMPD on a modular basis in the specialty of "Joinery, parquet and glass works" (2016-2019) - 1 institution
- Approbation of the model of inclusive education in vocational education institutions (2017-2019) - 1 institution
- Approbation of the educational space model for vocational training of people with SMPD (2018-2021) - 1 institution
- Implementation of the model of systemic, individually oriented correctional and pedagogical work with students with peculiar psychophysical development and difficulties in mastering the reading process (2018-2021) - 8 institutions
- Introduction of a model of distance education for people with SMPD in the system of additional education for children and youth (2018–2021) - 3 institutions
- Implementation of a model for the formation of professional competence of teachers for the training of students with SMPD (2017-2020) - 2 institutions[16]

Based on the information of the UNICEF report on the Republic of Belarus, the country has developed a "reliable system of children's social protection", which provides equal starting opportunities.[17] It also deals with or touches upon the social protection system, designed to "compensate for the impact of a difficult life situation".[18] However, in practice, such assistance is not enough and citizens have to cope on their own, not expecting much help from government agencies.

The results of a recent situational analysis conducted by UNICEF together with the Government of Belarus, revealed four areas requiring immediate investment and joint actions: family and a safe environment for

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of Belarus".

16 «Управление общего среднего образования,» Министерство образования Республики Беларусь. Accessed September 2, 2018. https://edu.gov.by/sistema-obrazovaniya/glavnoe-upravlenie-obshchego-srednego-doshkolnogo-i-spetsialnogo-obrazovaniya/srenee-obr/.

17 Law of the Republic of Belarus "On State Benefits for Families Raising Children".

18 "Materials of the round Table "Prospects for the Introduction of the Institution of the Ombudsman for the Rights of the Child in the Republic of Belarus".

all children; adolescent involvement and protection; early intervention and inclusion of children with disabilities; exploring the situation of children and strengthening partnerships.[19]

UNICEF promotes attracting international best practices, improving legislation, and enhancing the knowledge of specialists in the field of motherhood and childhood. For UNICEF, it is crucial to develop the capacity of a civil society in addressing the problematic issues of children and women.[20]

UNICEF is committed to ensuring the social equality of all children, no matter where they live and who their parents are.[21] It is clear that to achieve such a global goal is possible only in the long-term period and with partners, who share the mission of UNICEF, but in this direction one needs to constantly and systematically work.[22]

Thus, it should be noted, that the mechanism for the implementation of the policy of protecting the rights of children is widely represented on the territory of the Republic of Belarus, but despite this, there is no clear perspective of the conduct of this issue.

The fundamental rights and freedoms of the child in the Republic of Belarus are enshrined in the country's main law, which is the Constitution, that establishes the norms of legal regulation -. By ratifying the Convention on the Rights of the Child, Belarus assumed the obligations of enforcing its decisions. In line with this, the state is taking measures to improve the existing legislation on the protection of children's rights.

In addition to the material issues, the group of children with SMPD has the problem of integration into the society, which is a higher priority for them to fully realize their human potential. This area of human rights and freedoms, unfortunately, is at an embryonic stage of development in the Republic of Belarus. Non-governmental organizations help the government to develop this area by attracting foreign financial and material assistance, applying the positive experience of other countries. However, the underdeveloped national legal framework creates additional difficulties, both in obtaining funding, and implementing the successful experience. In this situation, all citizens should cooperate and work together to ensure that every child lives in a family, in an atmosphere of well-being, love and understanding.

19 "HUMAN RIGHTS (ПРАВА ЧЕЛОВЕКА)", Accessed August 31, 2018. http://www.krugosvet.ru/enc/gumanitarnye_nauki/ekonomika_i_pravo/PRAVA_CHELOVEKA.html.
20 Sergei Shcheglov, "The United Nations Children's Emergency Fund (UNICEF)".
21 L. I. Smagina, "Children's Rights: Theory and Methodology: A Manual for Teachers". https://www.unicef.org/evaldatabase/files/BSR_2001_003.pdf. Accessed September 8, 2018.
22 Sergei Shcheglov, "The United Nations Children's Emergency Fund (UNICEF)".

International Charitable Public Organization "Children. Autism. Parents" was reorganized from the international charitable public organization "Sante" (registered in 1997). The main task of the organization was to help children from socially vulnerable families, children with disabilities, as well as children living in the regions of Belarus affected by the Chernobyl disaster.

In November 2011, the Council of the ICPO "Sante" decided to send the organization's forces in support of parents who are raising children with autism. The organization was re-registered into the "Children. Autism. Parents." To date, the International Charitable Public Organization "Children. Autism. Parents." is the only organization with a state status and an international fund in the field of autism problems in the Republic of Belarus.[23]

The organization works in partnership with the government agencies and international charitable foundations in the following areas: raising public awareness about autism and people with autism, facilitating assistance to families with children with autism from the state, implementing pilot projects in the field of education, providing an Internet platform for communication families with children with autism; training specialists and tutors to work with children with autism spectrum disorders (ASD).

It should be noted that the international charitable public organization "Children. Autism. Parents." uses international regulatory documents to address issues related to the rights of children with disabilities, in particular, with a diagnosis of "autism spectrum disorder", namely: the provisions of the UN Universal Declaration of Human Rights,(1948), and Convention on the Rights of Persons with Disabilities, (2006). Despite the fact, that the Constitution of the Republic of Belarus establishes the responsibility of the state in protecting the right to life and human freedom, the legislation itself does not contain specific mechanisms for the implementation of these rights. It should be noted, that, after the adoption of the Convention on the Rights of Persons with Disabilities, the situation began to change. It clearly spells out the rights to an inclusive society, education, health care. From this point on, the state faces the primary task of developing this mechanism of actions.

Thus, the Convention was a concretizing act, which is currently the main one for the international charitable public organization "Children. Autism. Parents.". The organization relies on it to help autistic children and

23 *The Charter of the International Charitable Public Association "Children. Autism. Parents."*. Accessed September 03, 2018. http://autismschool.ic-autism.by/ob-organizacii/ustav.html.

their caregivers in solving problems that arise at various government levels.

Unfortunately, the regulatory framework of the Republic of Belarus does not fully spell out the mechanisms for ensuring the rights of children with disabilities. This leads to restrictions on the application of the Convention on the Rights of Persons with Disabilities in practice. To solve this problem, , a meeting of representatives of the UN, UNICEF, the human rights education institution "Office for the Rights of Persons with Disabilities", an international charitable public organization "Children. Autism. Parents." and other non-governmental organizations was held in May 2017. Following the meeting, a working group was organized to create a mechanism for the implementation of the Convention on the Rights of Persons with Disabilities in Belarusian legislation. Specific steps were identified and a circle of persons, whose responsibilities included the development of proposals for amending legislation and submitting them to the Government, was designated.

In December 2016, a similar attempt was made by the Ministry of Education in cooperation with the Belarusian Foundation "SOS-Children's Villages", the Belarusian Association for Assistance to Disabled Children and Young Disabled Persons (BelAPDIMI), the International Educational Public Association "ACT", the International Public Organization "Understanding", the World without Borders Charitable Foundation for Children, the Belarusian Children's Hospice, the United Nations Children's Fund (UNICEF) in the Republic of Belarus, the Family Support Center, the Belarusian Association of UNESCO Clubs. As a result of the meeting, a working group was created, the responsibility of which was to develop a plan of activities of organizations for the protection of children's rights for 2017-2018. Three broad topics were described with a list of the activities, such as monitoring the situation with children's rights, advocating for the interests of target groups, promoting the interests of organizations involved in protecting the rights of the child and appointed as a responsible executor for each item.

It should be added, that while the provisions of the Convention are not implemented, it is very difficult to protect the interests and rights of children with disabilities. One has to frequently contact the officials with an attempt to get a positive reply for solving any questions related to this topic, thereby referring only to the requirements of the Convention and the Presidential Decree on bringing the legislation into the appropriate state instead of specific legal acts.

In addressing specific cases of protecting the rights of children with disabilities, the international charitable public organization "Children.

Autism. Parents." refers to the Civil Procedure Code, the Criminal Procedure Code, as they provide specific rights protection procedures. Helping families raise children with disabilities, members of the organization refer to the Belarusian legislation in terms of legal proceedings, since the protection of all rights is carried out through a system of courts.[24]

Thus, it turns out that the Convention on the Protection of the Rights of Persons with Disabilities has become the fundamental legal framework in the Republic of Belarus. Prior to its ratification, any activity to protect the rights of this part of the population was very limited and children with disabilities did not have adequate protection of their rights.

In 2016, the international charitable public organization "Children. Autism. Parents." legalized the status of a tutor, who is a specialist that constantly accompanies a disabled child. To implement this procedure, the organization's lawyers, through the Ministry of Education and the Ministry of Labor and Social Protection, stated the need to make changes in the Unified Qualifications Register of employees' positions - an act that ministries deal with.

This fact shows that the international charitable public organization "Children. Autism. Parents." not only uses mechanisms for resolving legal issues, but also makes proposals for amending legislation to improve the mechanism of work of the state structure.

The International Charitable Public Organization "Children. Autism. Parents" is an association of specialists and parents of children with autism from all the regions of Belarus and other countries, united for the sake of the future of children. The goal of the organization is the inclusion of people with autism in the society, and assistance to families raising children with autism in all the regions of Belarus.

Main areas of activities are:

- informing the society, creating a favourable attitude towards people with autism and their families;
- interaction with the state authorities at all levels, advocacy and promotion of the interests of the organization;
- building a system of comprehensive assistance and an inclusive education system (currently working with general education schools);
- project activities aimed at achieving the goal of the organization;
- meetings with parents, holding training and seminars;
- activities for children with autism and their family members.

24 N. Mankovskaya, *Methods and Types of Actions in Defense of the Interests of People with Disabilities: Allowance* (Minsk, 2015: AlVi-press).

To achieve its goals, the organization solves the following tasks:

- creating the necessary conditions for the diverse development of abilities of children with autism;
- interaction or collaboration with the government bodies, domestic and international organizations and individuals;
- informing about the humane attitude of the society in favour of people with autism;
- organization of psychological, medical, pedagogical and legal support for autistic families.[25]

The structure of the organization "Children. Autism. Parents." contains branches in the Republic of Belarus and other states. The branch established on the territory of the Republic of Belarus has at least ten members, and a foreign member, consisting of at least three members. The departments have the same goals and objectives as the "Children. Autism. Parents." and act in accordance with the Charter. All branches are equal in their rights to each other.[26]

Means and property of MBOO «Children. Autism. Parents." are formed by:

- entrance and membership fees of the members of the "Children. Autism. Parents.";
- voluntary donations of individuals and legal entities;
- proceeds from events held in the statutory goals in accordance with the legislation;
- income from business activities carried out in accordance with the procedure established by the third part of Article 20 of the Law of the Republic of Belarus "On Public Associations"27;
- other sources not prohibited by law.[28]

To protect the interests and rights of children with an autism spectrum disorder, the international charitable public organization "Children. Autism. Parents." cooperates with the relevant departments of the executive bodies of the Republic of Belarus. There are as follows: the Ministry of Education, the Ministry of Labor and Social Protection, the Ministry of Health, as well as local representative offices of the above-mentioned ministries, including education departments of Minsk districts, district and regional centers,

25 *The Charter of the International Charitable Public Association "Children. Autism. Parents."*

26 Ibid, article 5.

27 Law of the Republic of Belarus "On State Support of Youth and Children's Public Associations in the Republic of Belarus".

28 *The Charter of the International Charitable Public Association "Children. Autism. Parents."* article 6.3.

health, labor and social protection under city administrations and executive committees.

In view of their uniqueness and professionalism, International Charitable Public Organization "Children. Autism. Parents," and its representatives have to work with citizens living and registered in other cities of the Republic of Belarus. In each region, the organization has its own representatives; a representative office is opened in Gomel. By the nature of its activities, the international charitable public organization "Children. Autism. Parents." has to constantly cooperate with judicial bodies located in the capital and abroad.

To maintain the professionalism of the organization and the possibility of helping children throughout the territory of the Republic of Belarus, the international charitable public organization "Children. Autism. Parents." has a permanent lawyer in the staff. He is a practitioner in the field of family law, dealing with the rights of persons with disabilities, in particular, people with autism spectrum disorders.

ICPO «Children. Autism. Parents" actively cooperates with the Ministry of Education. At the request of the charitable organization, combined education was restored in schools. That kind of education enables such a child to study some part of the school time with classmates, as well as individually at home with teachers.

Separately, it is necessary to highlight the participation of the International Charitable Public Organization "Children. Autism. Parents." in informal associations, particularly, in working groups, acting bodies, and non-profit organizations, including international ones. The working groups include professional lawyers and experts in their field who propose changes in legislation and submit annual reports to the UN. Based on this, it can be concluded that the actions and proposals of such working groups are seriously considered both by local legislative and executive bodies and by the international community.

One of the important issues that the international charitable public organization "Children. Autism. Parents." does in the framework of a working group together with representatives of UNICEF in Belarus is a detailed elaboration of relevant changes in the current legislation concerning the legalization of foreign sponsorship.

As of December 2017, the population of our state is 9,468.338 people. At the same time, about 600,000 people with disabilities are registered in Belarus, 30,000 of who are children.[29]

29 "Belarus Population (LIVE)", Worldometers. Accessed September 07, 2018. http://www.worldometers.info/world-population/belarus-population/.

After ratification of the Convention on the Rights of Persons with Disabilities in October 2016, the Government of Belarus developed a National Action Plan for the implementation of the Convention on the Rights of Persons with Disabilities, which establishes a common vision for the development of country policies on the implementation of the Convention decrees. The documents spelled out detailed methods and types of actions of all participants as well as methods of reporting along with the responsible authorities and key dates.

To carry out its activities, the international charitable public organization "Children. Autism. Parents." invites other non-governmental organizations to conduct joint projects. For example, an ethnic drum music studio offers the services of its teachers to teach children with autism spectrum disorders on a regular basis. Music lessons are not only educational, but also relaxing. They allow every person to feel the same environment as children with or without special needs. At the same time, parents of disabled children also receive support, breaking away from difficult everyday life, plunging into the world of music, tranquility and friendliness.

Such joint projects are implemented not only within the Republic of Belarus, but also on the international level. In April 2017, the ICPO "Children. Autism. Parents." received an offer from the Italian organization Societa Polisportiva Dilettantistica Delta Srl to conduct a joint project aimed at the inclusion of children in a sports environment. Societa Polisportiva Dilettantistica Delta Srl specializes in swimming lessons for children with autism spectrum disorders.[30] Representatives of the organization took the initiative to share their knowledge and experience with citizens of the Republic of Belarus.

In June 2017, a meeting of representatives of two organizations took place in Rome where issues of inclusion in modern sports were discussed. Alexandra Gerasimenya, the world champion of 2011 and two-time silver champion of the 2012 Olympic Games in London, attended the Belarusian side as a swimming coach from the Belarusian side. A city tour was conducted to demonstrate the inclusiveness of the environment and its effectiveness. Following the meeting, a memorandum of cooperation was signed. Prepared by the international charitable public organization "Children. Autism. Parents." tutors started classes with children already at the end of June 2017.

Thus, an international union of the two organizations was formed, with the goal to jointly implement a project to ensure the rights of children with

30 Polisportiva Dilettantistica Delta Roma. Accessed September 07, 2018. http://www.piscinadelta.it/.

autism spectrum disorders, as well as to develop and ensure the inclusion of the sports sphere.

In October 2018, the project was officially launched. Four different age groups were formed to enroll the children in swimming activities. Each group comprises of 6 children, including one with autism. Such a division allows a child with autism to be in an inclusive environment, to get acquainted with the behavior of peers, enabling them to socialize. The Sport complex "Tractor" has allocated time and facilities for the "Children. Autism. Parents." for conducting these classes. Tutors, trainers, pool personnel have received the special training. With the successful implementation of the project, it is planned to connect other complexes in Belarus.

Summarizing the above mentioned, it should be emphasized, that the international charitable public organization "Children. Autism. Parents." cooperates with a wide range of organizations, which allows it to implement a greater number of conceived projects, providing targeted assistance to people in need.

It should be noted, that the institutions with which the ICPO "Children. Autism. Parents." cooperates can be divided into formal (state bodies and the judicial system) and informal (working groups). Organizing with them different activities, the ICPO "Children. Autism. Parents." seeks not only to follow the legislation of the Republic of Belarus, but also, taking into account the experience of its activities in specific conditions on the territory of the Republic of Belarus, makes proposals for its change and adaptation to modern realities.

Naturally, the international charitable public organization "Children. Autism. Parents." faces difficulties for which it applies various methods and types of actions.

It should be noted, that methods, such as written communication and face-to-face communication with decision-makers are carried out in the organization on an ongoing basis. Communication with the general public is also actively pursued through the provision of information in the media and publications in social networks. One of the highlights of the activities of the "Children. Autism. Parents." is the use of art. Consequently, inclusive art classes are held with children, staging performances involving disabled children. Effectively drawing attention to the problem is a way to enhance the effect, therefore, high-profile events are used, concerts are held on the day of awareness of autism involving celebrities.

One of the most effective ways to influence the NGO "Children. Autism. Parents." on significant changes in the Belarusian society and

legislation, is participation in working groups convened to solve specific problems. On average, the formation of such working group lasts two to three weeks. This is related to the search for the necessary specialists (lawyers who specialize in the fields of non-profit organizations, international law, law in the field of education and health) who, on a continual basis, will take part in the development and promotion of ideas for improving legislation and establishment of an inclusive environment for children with disabilities. A contract for the provision of services is concluded with selected specialists. The duties of the specialists include, among other things, the protection of the rights of children with autism (recipients) in the bodies and institutions of education and health, holding seminars for parents (other legal representatives) on the following issues:

- legislation on the rights of a child with autism;
- preparation of official appeals to the authorities;
- ways to protect the rights and interests of a child with autism;
- conducting negotiations with law enforcement agencies.[31]

During the work of the working group, meetings and conferences are held both in Minsk and in regional centers and regions. A web page with detailed information about the existing problems and their possible solutions as well as brochures and handouts with relevant information are prepared to organize a high quality and the most informative events. It is important for the responsible persons to stand out, who, throughout the activities of the working group, will advocate for the interests of children in the offices and institutes of the education and health sector.

ICPO "Children. Autism. Parents." partially covers the costs of such events, but the bulk of funding comes from the successful submission of applications to foreign grants. Receiving grants becomes possible due to a number of reasons, such as a large target audience, wide coverage of the problem in society, holding trainings and workshops, fighting with the lack of awareness of citizens about the problem and the potential for its solution.

Unfortunately, in the Republic of Belarus it is difficult for persons with autism to exercise their rights and legitimate interests in the fields of education and health care, which are envisaged by the Constitution, international treaties followed by the Republic of Belarus, the education code, etc.

Often children with autism of preschool and school age do not receive education in educational institutions (kindergartens, schools). The

31 *The Charter of the International Charitable Public Association "Children. Autism. Parents." http://www.autismeurope.org/wp-content/uploads/2017/08/docpos08-uk.pdf.* Accessed September 8, 2018.

management of educational institutions refuses to educate such children, with reference to the lack of legal requirements and sources. Education at the place of residence of the child is not carried out due to the lack of relevant specialists.

In addition, persons with autism are not always able to obtain documents on disability in health care facilities. Heads of health care institutions do not provide high quality medical examination, because the collected information is insufficient to diagnose autism.

The main reason for the violation of the rights and legitimate interests of persons with autism is that legal representatives (parents, guardians, other relatives) do not have information about the rights and legitimate interests of this category of people, as well as knowledge to protect the rights. In addition, legal representatives do not have enough money to pay for high-quality legal services, due to which, parents (other legal representatives) cannot apply for the protection of the violated rights of persons with autism to law enforcement agencies. Law enforcement officers cannot protect the rights of individuals with autism, since they do not receive requests for help from parents (other legal representatives).

Unfortunately, today the state does not provide funding for legal services to persons with autism spectrum disorder. There are practically no lawyers in the Republic of Belarus, who specialize on the protection of the rights of persons with special needs.

Government policy is focused on creating an inclusive society, primarily through reforms in the education system. However, to date, the government has not developed a full-fledged strategy for the implementation of programs of an inclusive society. Moreover, the reform in the health system is not planned.

A positive factor in this situation is that the state authorities and their representatives do not impede the implementation of the project; moreover, they are not ready to support it financially.

The project requires the following conditions: the interest of all parents (other legal representatives) in receiving information about the rights of children with autism and receiving legal support; no obstacles on the part of state authorities in the framework of the protection of the rights of children with autism.

In case of refusal of local authorities in the field of education and health care to promote the project or refusal of educational and health care institutions to ensure the rights and interests of people with autism, representatives of the NGO “Children. Autism. Parents.” and legal representatives of children with disabilities may declare their desire to

appeal against negative actions in higher state bodies and law enforcement agencies in accordance with the requirements of the law.

The long-term impact of the project is provided by the continuous operation of a working group of lawyers, who can provide paid services to other categories of people. At the same time, they provide free services to people with autism who did not participate in the project, as well as by transferring project implementation experience to other non-profit organizations so that they could similarly protect interests of their target groups.

Summing up, it should be noted that, having concentrated on movement and development in a certain direction, the international charitable public organization "Children. Autism. Parents." is one of the few non-governmental organizations today that protects the rights of persons with autism in the Republic of Belarus, including through amending the current state legislation.

Thanks to the international charitable public organization "Children. Autism. Parents." children with autism received accompanying specialists to visit educational institutions. However, unfortunately, these children did not get places in educational institutions, which the organization's lawyers had been actively working on with representatives of the Ministry of Education.

Carrying out successful activities of working groups, ICPO "Children. Autism. Parents." helps to ensure the rights to inclusive education and health care for people with special needs, including ensuring the full rights to inclusive education and health care for people with autism spectrum disorder through the creation of a legal support mechanism.

An example of successful implementation of the projects of the "Children. Autism. Parents." should positively influence the dynamics of the development of inclusive education and inclusive environment in the Republic of Belarus.

If the state and non-state organizations and associations of the Republic of Belarus develop and strictly follow the concept of creating an inclusive environment in the country, then the requirements of the Convention on the Rights of Persons with Disabilities can be implemented over the next few years. Therefore, for successful inclusion in the education system it is necessary to train tutors who will deal with children with autism. At the same time, it is necessary to prepare a sufficient number of workers among teachers. It is necessary to pursue a policy of popularization among the population, introducing information about people with autism, their behaviour and lifestyle.

A huge step towards the realization of the rights of children with disabilities can be made if children with autism could be provided with the opportunity to engage in the activities (music, drawing, theater, swimming, dancing, etc.) due to centers of additional education in each city of Belarus. However, the problems arising from the implementation of such a project are complex. Particularly, it is necessary to finance tutors' and teachers' trainings, to select qualified personnel in an interdisciplinary team of specialists and to avoid reduction of the quality of educational services provided. All these issues can be solved only by joint efforts of the state.

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INEQUALITIES GONE DIGITAL: ANALYZING DIMENSIONS OF A DIGITAL DIVIDE IN GEORGIA

Mariam Khizanashvili

Abstract

Information and communication technologies (ICTs) have a significant potential to enhance individuals' capabilities and serve as an enabler for realization of fundamental human rights. However, in the light of the digital revolution, when technologies become an indispensable part of an everyday life, the problem of a digital divide becomes more threatening as it perpetuates already existing divisions within and between societies. Regardless of the importance of the issue at stake, there is no unified vision on the ways to overcome a digital divide. This paper aims to provide a theoretical background and justification for addressing a digital divide through contextual analysis of essential social, economic and political factors in Georgia between 2011 and 2016. Assessment of the data aimed at proposing policy recommendations has revealed that a digital divide in Georgia is in a strong causal relation with a wide variety of socio-economic and political factors that influence the trend line of the Internet use. Of particular significance are the factors, such as: life expectancy at birth; urbanization rate; Gender Development Index, GINI coefficient and etc. The study has provided theoretical and analytical framework for studying a digital divide and proposed several policy recommendations on the approaches for overcoming the problem.

Keywords: *digital divide; digital revolution; ICTs; Internet; human rights; social and economic inequality; SDGs.*

Introduction

Information and communication technologies (ICTs) have a great potential to enhance individuals' capabilities to access and realize a wide-array of human rights. One of the most important technologies for accessing individual and collective human rights is applied through effective use of Internet technology that has been widely spread since 1990s. Nowadays, Internet facilitates realization of fundamental human rights through playing a role of an "enabler" to access economic, social, cultural, civil and political rights (United Nations 2011, 7). Moreover, Internet and other ICT mediums boost "economic, social and political development" and contribute "to the progress of the humankind" (United Nations 2011, 19). It is argued that "the diversity of ways of organizing information production and use opens a range of possibilities for pursuing the core political values of liberal societies - individual freedom, more genuinely participatory political system, a critical culture, and social justice" (Benkler 2006, 7-8). Regardless of the fact, that massive democratization of computers, internet, mobile phones and wireless connection made access to the ICTs possible from almost everywhere, the data demonstrate that impacts and benefits drawn from the use of these technologies are unevenly distributed within and between societies (World Bank 2016). Addressing the digital divide through relevant policies remains one of the most challenging issues especially in the light of the digital revolution. For individuals to have an opportunity to meaningfully benefit from the digital technologies and "lead the kind of lives they have reason to value" (Sen 1999, 10), analysis of the ways of closing the digital divide requires a careful study of the societal development tendencies and important social, economic and political factors.

In the past several decades, studying inequalities in terms of access, use and drawing benefits from the ICTs and especially Internet, has been of significant importance among social scientists and policy-makers. Given the fact that the digital divide is one of the most problematic and persistent social problems in the light of rapid technological changes and digital revolution, it is not surprising that extensive literature has been accumulated on the subject matter. Understanding of the digital divide and the course of the research were influenced by many authors exploring the phenomena in the intersection of inequality, development, media and communications studies. Nonetheless, some of the most inspiring pieces of work, which are of significant importance, shall be briefly included here; precisely, those that view the digital divide from the prism of social determinism. Especially, plethora of studies conducted by Jan A.G.M. van Dijk (2006, 2012, 2014)

had the greatest impact on the conception of the digital divide as an outcome of existing inequalities and societal prescriptions rather than a problem that can be aided through technological interventions. The works of DiMaggio and Hargittai (2001, 2001), who called for shifting the research focus from the digital divide, based on a physical access to the ICTs, to exploring digital inequality and the influence of contextual changes. Another influential author was Christian Fuchs (2008) who examined how social, economic and political factors influenced the size of the digital divide and what role a social inequality played in perpetuating the problem of inequality in the digital domain. Research provided by Deursen, Helsper, Eynon and van Dijk (2016) contributed to putting the digital divide research agenda into social inequality dimension in a twofold manner. As such, digital exclusion and social inequality are not mutually exclusive, but quite reciprocally reinforce each other as digital exclusion occurs on the basis of social inequality and over the period, can also be translated as the source of social exclusion.

In general, the digital divide refers to the gap between those, who have an opportunity to access, use and benefit from the ICTs and those, who do not. Digital divide has been massively addressed on international and national levels. In 2000, the UN Millennium Summit adopted Millennium Development Goals (MDGs) for measuring success of international development worldwide. MDG 8 (target 8.F) reiterates on the development of global partnerships for "making available benefits of new technologies, especially information and communications", precisely in terms of internet access for realizing other goals on poverty reduction, education, and healthcare, among others (United Nations 2013, 56). Additionally, the digital divide is further problematized and addressed in the Geneva Declaration of Principles and Plan of Action adopted in the first phase of United Nations (UN)-sponsored World Summit on the Information Society (WSIS) held in Geneva in 2003. In the principles of the Geneva Declaration, the ICTs are envisioned not only as tools for economic development, but rather as means of creating "people-centered, inclusive and development-oriented Information Society" (WSIS 2003, 4), where people can take an opportunity to harness technologies in order to improve the quality of their lives and realize their potential to the fullest. The Plan of Action adopted at the Summit calls for "building inclusive Information Society" […] "reducing the Digital Divide and transforming it into digital opportunities" (WSIS 2003, 28). On the regional level, the European Union (EU) had also addressed issues of the digital divide in the context of the ICT employment

for economic growth and sustainable digital future (Digital Agenda for Europe: Key Initiatives 2010, 1). The Digital Agenda for Europe is a part of Europe 2020 Strategy. It notes that "the digital era should be about empowerment and emancipation, and background or skills should not be a barrier to accessing this potential" (Digital Agenda for Europe: Key Initiatives 2010, 5). The document embraces the importance of developing a high-speed broadband Internet and ensuring access for all Europeans to it; and promoting digital inclusion through closing the digital skills gap, among others (European Parliamentary Research Service 2015).

In the light of the importance of narrowing/closing digital divide, the author of this paper believes that it is of significant importance to understand the relationship between existing social, economic and political regimes and the digital divide in order to devise concrete measures for harnessing technologies for societal development. The problem of existing or widening digital divide still persists, regardless of plethora research papers, devoted to the digital divide and, attempts of policy-makers to address the digital divide in a variety of ways, namely: through technologic deliberations, boosting market competitiveness in the ICT sector, electronic governance system adoption and etc. Addressing the digital divide through deliberative policies the problem needs to be fully contextualized in its natural environment; consequently, avenues with regard to the factors that influence the nature of digital divide in the society and concrete policies that address the digital divide and enable individuals to draw benefits from the technologies should be examined. Complex nature of the digital divide and existing bias in view of its underlying dimensions *motivated* my interest to study the phenomena by formulating the following *research questions*:

(1) How do the current social, economic and political regimes affect the digital divide?

(2) To what extent and how do current social, economic and political factors influence the course of the digital divide?

Therefore, the *aim* of this paper is to provide a theoretical background and justification for addressing the digital divide within a contextual analysis of essential social, economic and political factors. The *objectives* of this analysis are: (a) to assess how and (b) to what extent already existing social, economic and political regimes influence the course of the digital divide in order to (c) provide concrete and data-based recommendations to policy-makers. Due to the purposes of this paper, which is contextualization of the digital divide in its natural environment, the paper adopts a single-case study methodology and focuses on developments in Georgia. In order

to provide answers to the above-mentioned research questions and achieve the aim of this research, methodologically, the work adopted longitudinal single-case study design. In order to answer the first research question on how the current social, economic and political regimes affect digital divide, the paper has analyzed recent major developments in the ICT sector in the light of social, economic and political transformations in the country. For answering the second research question in reference to what extent social, economic and political factors affect the digital divide, multivariate regression analysis was performed on various indicators to determine the most pressing causes of the digital divide.

First, the paper discusses the digital divide in its entire complexity and provides the framework for its understanding. Then, the connection between the digital divide and social, economic and political factors is established through the review of literature. Afterwards, the chapter provides a detailed methodological description of the conducted study and justification for the selection of the variables. Accordingly, the following section provides empirical core of the paper as it answers the research questions by means of establishing strong contextual basis for the interpretation of the research findings. Finally, interpretation of the research findings and discussion is provided based on which concrete policy recommendations are drawn.

Conceptual Framework: What Constitutes the Digital Divide?

Democratization of the ICTs and distribution of the technologies within and between societies throughout the globe between 1980s and 1990s drew much attention of scholars, academicians, policy-makers and activists on the inequalities between those who could benefit from ICTs and those who could not. ICTs enable individuals to advance their social, economic, educational and other positioning in the age of 'information society'. Lack of access and usage of ICTs hamper individuals to access plethora of opportunities in every domain of private and public sphere; therefore, the digital divide represents a major challenge on national and international level. In reference to the importance of studying the digital divide, Howard et al. (2010, 111) notes, that "understanding the digital divide is crucial to understanding the role of the Internet in contemporary social development".

Due to the given significance of ICTs in the life of individuals, voluminous literature has been exploring the digital divide from a variety of perspectives. However, from the nascence to maturity of information and communication technologies itself and produced research on it, the term has acquired various conceptualizations.

Regardless of numerous research papers on the digital divide, the term has remained ambiguous (Gunkel 2003) in academia and among policy-makers. The term 'digital divide' was coined in 1995 and became massively popularized as dichotomization of stable 'haves' and 'have-nots' in terms of access to a computer and the Internet. These studies analyzed the correlation between a physical access to the ICTs as a dependent variable and demographic (age, gender, location, disability), economic (income), social (education, status, profession) and cultural (language, ethnicity) factors as independent variables. At the policy level, such a conceptualization led to a technologically deterministic approach that inequality in terms of a physical access to the ICTs could have been solved with a provision of computers and internet across various groups of a society. This approach in academia is referred to as a *first level of the digital divide*.

Due to a perception of the digital divide, as a mere 'have' and 'have-not', led to the assumptions, that digital divide was closing due to massive spread of digital devices and Internet. These assumptions led to a declining interest in digital divide for some scholars and policy-makers. On the other hand, new wave of research has emerged focusing on criticism and further advancement of the early studies. Gunkel (2003) and van Dijk reflected on the *technological determinism* of the early studies aboutthe digital divide and emphasized that focusing merelyon aphysical access to the ICTs and internet stemmed from a superfluous assumption that solving problems of an access would fix problems in economic and social domains of the society (van Dijk 2006, 222).

The above-mentioned technocratic approach to treating the digital divide as a mere access to the ICTs has been overridden with new theoretical approaches, referring to conceptualizing the digital divide as inequalities in terms of both, an access and usage of the ICTs. Studies produced on the eve of 2000s regarded the digital divide as a recurrent and dynamic phenomenon rather than transient, as perceived in the early years of scholarly work. Even though the divide in terms of a physical access tended to be closing, it was deepening at other stages. For example, there were individuals who lacked access to the ICTs and internet, vs. those who had already had an appropriate and newer access, more advanced technologies and even further advanced their digital skills. This approach differs from the above-mentioned technologically deterministic approach, concerning its more skeptical views of technologies and leans to *social determinism*. Studies produced under the umbrella of social determinism referred more to 'digital

inequalities' rather than digital divides and are coined as a *second level of the digital divide*.

Expansion of literature on the digital divide from a mere access to the ICTs (first level of the digital divide) to the produced inequalities in terms of the ICTs use (second level of the digital divide) led to broadening of the term to the individuals' benefits drawn from accessing and using ICTs (third level of the digital divide). The studies conducted on the level of the third digital divide conceptualized the digital divide as an access and usage of the ICTs as an independent variable and disadvantageous inequalities derived from lack of access and usage of ICTs as dependent variables. However, as Van Dijk notes: «Strangely enough, research of the social effects of all these inequalities of access is very scarce. Apparently, researchers take the advantages of access to computers and the Internet for granted. But, actually what is the stake or concern of these inequalities (2012, 70)?».

This paper closely examines the first level of the digital divide implying access to the technologies and Internet and slightly touches upon the second level of the digital divide through employing percentage of Internet use as an indicator of the digital divide. It is worth noting that a digital divide is as a complex and multifaceted phenomenon and it cannot be underestimated and equalized to only Internet use rate. However, selection of an observable feature of the digital divide, precisely Internet use rate, was not accidental, but was built upon the assumption that Internet use preconditioned an individual had gained access to relevant devices and skills to surf the Internet. However, Internet use as an indicator of the digital divide does not give any information on what and which ways individuals benefit and improve positions in a society. Therefore, even though this paper treats the digital divide and Internet use rate interchangeably, the author acknowledges that such an approach has its shortcomings due to negligence of the third level of the digital divide.

Theoretical Discussion: Which Theory of Technological Diffusion?

Since commercialization of the Internet and its massive adoption, the digital divide fell into the agenda of the governments worldwide. However, the issue of sectorial interventions and the ways on how to approach and take measures for bridging the gap and overcoming the problem remained divergent in academic and policy-making circles. There are two major schools of thought on technological diffusion explaining the nature of digital divide and its extent (Aikins& Chary 2010, 550). One approach to the problem is based on the *normalization theory* of technological diffusion

that was first hypothesized by sociologists Gabriel Tarde and Pitirim Sorokin (Katz 1999, 5-9). The advocates of this theory suggest that digital divide does not represent an urgent societal issue, as new technologies tend to follow the S-shaped trend of diffusion. At the initial stage, technology prices are high and only the well-off can afford to have access; therefore, adoption rate is slow. However, in the long-term new technologies become more affordable, easier to use and more interesting for the general use; therefore, technology becomes more accessible, affordable and desirable for the lower classes (Rogers 1983). Accordingly, the adoption rate increases significantly during these times. However, after adoption rate peaks to the top of the S-shaped curve, because of declined demand, adoption rate slows down and saturates (Norris 2001, 4). Summarily, normalization theory suggests that even though inequalities in terms of access and use of digital technologies rise at the initial stage of technology adoption, in long-term the gap of technological inequality closes over time as more people adopt it. Normalization theory established a basis for the technologically deterministic approach towards the digital divide, when governments through provision of necessary infrastructure and technologies attempt to close the digital divide. However, as Norris's study suggests, such "policy fixes are too specific, the problem of social inequalities too endemic" (2001, 91). Even though normalization theory suggests an expressive explanation on the pace of technological diffusion, it neither provides argumentation that digital divide will close permanently, nor does it explain where policy-makers should intervene in order to approach closure of the digital divide. Additionally, concerning the nature of technologies and rapid pace of technological developments, normalization theory neglects the fact that the laggards who adopt technologies later at the peak of the S-shaped curve or at later stages, will not be able to benefit from the technology as much as the first-comers. As it is provided in the Chapter 1, first adopters of the technology advance their skills and find more meaningful ways to exploit technologies even further rather than laggards who adopt technology later.

Due to the shortcomings of the normalization theory, this paper approaches the study of digital divide from *stratification school* perspective. Stratification theory of technological diffusion is based on the classical works on inequality by the sociologists, such as: Max Weber, Emil Durkheim and Karl Marx. More specifically, economic outlook of digital divide is based on the Marxist conflict perspective of social inequality. According to this approach, technological innovations are appropriated by the dominant classes, who can afford, as well as employ these technologies for their own

benefit. As the capital accumulates in the hands of the elites, recent social inequalities of society are reproduced and consumed (Ragnedda&Muschert 2013, 2-3). Another approach to the application of stratification theories to study the digital divide is based on Max Weber's works. Accordingly, stratification is understood as a combination of three factors – social, economic and political power. In contrast to Marx's understanding of inequality, Weberian approach argues that inequalities are reproduced not only due to economic stratification, but also to social class and political affiliations that play a significant role on who gets what, to what extent and in what ways. In terms of the digital divide, access to new technologies, such as Internet, is envisioned to create hierarchies as the ones who gain early access to technology advance their social status, who due to the skills and benefits they draw, also manage to advance their positions economically (Sorj 2013, 108). Lastly, the third approach to studying the digital divide, adopts the theory of Emil Durkheim. It argues that the division of labour is the source of inequality; and in the struggle of individuals, institutions should provide solidarity and support (Wessels 2013, 20) by giving significant importance to education system in order to achieve social integration and lesser extent of digital exclusion (Horwitz 2013, 254).

In summary, stratification theory of the digital divide provides that the problem of digital exclusion, i.e. digital divide cannot be solely explained and solved through policies concerning technological interventions (Alzouma 2013, 306). Regardless of technological adoption and access, social inequalities are produced and reproduced in the digital domain. Economic, social and political factors significantly influence the digital divide. More specifically, on the national level, how wealthy the country is in terms of its economic performance, what societal mindset it has in terms of technology and what kind of policies the political elites pursue, affects the nature and extent of the digital divide.

This paper adopts stratification theory to assess and analyze digital divide in Georgia between 2011 and 2016 years. Therefore, the study looks at principal factors of social, economic and political nature in order to make certain policy recommendations by suggesting concrete interventions to these domains in order to address the problem of the digital divide.

Analytical Framework: How to Approach the Digital Divide?

Digital divide is one of the most extensively studied topics at the intersection of Social Sciences and Computer Science or Media Studies. The literature on digital divide and its supporting social, economic, political

and cultural environment widely varies according to a subject and object of the conducted study.

Digital inequalities between and within societies are manifested in manifold and distinct ways. Scholars have regarded the digital divide from a variety of angles and perspectives. Major factors affecting the digital divide are manifested at the geographical level. For example, manifestation of the digital divide is dependent on urban/rural localization of individuals. Urban spaces in contrast to rural areas tend to have more developed and advanced infrastructure and economy, thereby attracting more human and material capital. The development tendency of rural/urban areas affects individuals' level of income and education, status and occupation, capacity and motivation to access and employ the ICTs. As a result, individuals dwelling in rural areas have lesser levels of access and usage of ICTs than urban inhabitants (Bell et al. 2004).

Other researchers examined relations between social inequality and digital divide and argued that inequality in income was one of the most significant factors affecting the digital divide in view of internet access (Flores 2003; Martin and Robinson 2007). In contrast to "fully exogenous variables such as sex, race, and age" (Martin and Robinson 2007, 1), inequalities in income "determine the likelihood of ICT use" (Flores 2003, 5), level of income preconditions lower opportunity to internet access and at the same time, inability to utilize internet decreases chances to improve one's economic condition. Fairlie (2003; 2004) examined digital inequalities found across advantaged and disadvantaged racial communities and found out that mainly income and additionally, language barrier contributed significantly to the digital divide in the US.

Other studies had also scrutinized digital inequality produced or perpetuated due to a linguistic barrier existing between, on the one hand, developed and developing countries, and, on the other hand, within the ethnic lines of societies. Yaman notes that: "English turns out as the most prevalent language under the framework of computers and internet. As nowadays access to internet is the most fundamental indicator in terms of the digital divide, the language factor gains more importance on this point" (2015, 768). Linguistic barrier to ICTs can be observed from two angles: one problem is that computer hardware and software are formulated in English and technical terms are mostly of English origin (Yaman 2015, 768-769). Additionally, a variety of content is also produced mainly in English globally and within the states, in the official language of a state that as a result, hampers diffusion and use of ICTs among ethnic minorities.

Another important factor examined in correlation with the digital inequality that has been explored in the literature is gender. There is a significant disparity between the access and usage of ICTs for women in developed and developing countries. Antonio and Tuffley (2014) identify that in the developing countries, women do not have the same level of access to ICTs as men do, and when women have access to technologies, they do not necessarily use Internet. This gender-oriented digital inequality is a result of multiple factors. In some developing communities, technology is stereotypically envisioned to be more male-centric both, by design and by content and it does not correspond to women's needs and interests. Besides, women take more burden compared to men in terms of household and family responsibilities, which gives them "little free time to experiment with the new technologies"; women's agency also plays a significant role in terms of accessing and using ICTs. In some communities, women who are unemployed and deprived of autonomy to earn and spend money cannot utilize technologies and gain benefits from it (678-680).

Another layer of digital inequality is examined from a political point of view. Technologies and internet are non-neutral spaces at all levels - structure, foundation, layers and content. Nahon argues that "any conceptualization of the digital divide that ignores looking at the Internet as social and political spaces will have limited utility" (2006, 5). Fairly enough, Guillen and Suarez (2005) argue that democratic regimes enable diffusion and growth of internet in higher speed rather than authoritarian or totalitarian regimes. Democratic regimes permit decentralized channels of communication and spread of information to emerge and exist, whereas authoritarian and totalitarian regimes are inherently conflicting with the internet due to its decentralized and uncontrollable nature. Norris (2000) argued that the more civil liberties are given to individuals, the more opportunities are afforded for the individuals to access and use internet. In contrast to it, in order to maintain status quo and prolong regime survival, authoritarian and totalitarian regimes tend to hamper access and use of technologies through: (a) controlling internet service providers; (b) filtering information; (c) blocking websites; (d) intimidating and detaining internet users for activities such as accessing information and/or mobilizing community (687-688). Besides, undemocratic regimes tend to hamper technological and infrastructure development by scaring away sectorial investments (ibid.).

Literature on digital divide has gone further to explore not only correlation between single or several factors and digital inequality, but also

to create multiple indices to entail various aspects of inequalities in one comprehensible number. There are several studies conducted on digital divide employing multivariate regression analysis method. Based on multivariate regression analysis on cross-national data, Norris (2001) identified the most significant factors affecting digital divide. First, 'structure of opportunities' provided by public policy in a specific country plays an important role in narrowing/widening digital divide. Second, investment in IT education, public-private partnerships, infrastructural projects, regulations imposed to Internet Service Providers (ISP) and normalization of the costs of internet determines to what extent and how ICTs will be diffused in the society. Besides, governmental policy, cultural attitudes of the society towards technology also play some role in ICT adoption and affects digital divide. However, the role of socioeconomic developments in adult literacy, education level and income is of particular significance (4-5). Quibria et al. (2002) looked at digital divide based on regression analysis of data on income, education level, populations size, age and concluded that digital divide was influenced through the investments in infrastructure, education, engaging with international institutions and establishing strong innovation fostering institutions in the country. Based on multivariate regression analysis of the data on 161 countries, Chinn and Robert (2004) found out 11 factors that contributed to the digital divide; they identified that income, human capital, electricity, telecommunications, and regulatory quality were the most significant of these factors (17). Crenshaw and Robison (2006) employed longitudinal regression analysis in order to study the influences of a number of variables such as the level of tourism, foreign direct investment (FDI), manufacturing exports, urban/rural localization, international non-governmental organization presence, GDP, costs of telecommunication, property rights, and democracy level on Internet dispersion across 80 developing countries.

Measuring Digital Divide

Above-mentioned review of the literature that looks at the digital divide demonstrates that the phenomenon is multifaceted and as a result, the term has also acquired various interpretations. The aim of this study is to examine how social, economic and political underpinnings influence the digital divide and to what extent current inequalities are mirrored in the digital realm. Due to the purposes of this research, the digital divide is operationalized as a gap between Internet users and non-users. The selection of Internet use as an indicator of digital divide was not coincidental, and

follows the logic, that measuring the digital divide as a physical access to computers and internet, might be negligible to the motivational barriers that individuals might have, regardless of the fact that they possess all the necessary entry requirements to technology use. The choice of Internet use as a variable already indicates that an individual has already acquired necessary preconditions to access ICTs and internet. However, the weakness of the choice of variable is that it does not measure or refer to the purpose and types of usage of Internet. Individuals, who use internet, may be using it for professional purposes advancing their career, or others may just utilize internet for the sake of entertainment. Therefore, Internet use neglects important information and prevents us from assuming how beneficial Internet use may be for individuals. Summarily, this aspect can serve as a starting point for further research.

As for the selection of independent variables, the study employed 11 factors that could be found at the work of Fuchs (2009). While adopting Vehover et al.'s proposal to employ multivariate analysis in a study of the digital divide and review existing plethora of scholarly work on pressing factors on the digital divide, Fuchs designed a multifaceted methodology to examine correlation between material access to internet and eleven independent variables. They were the following: economic, political and cultural, capitals; age; family status; gender; ability and health; ethnicity; origin; language; geography.

Fuchs measured a dependent variable of Internet access per 1,000 inhabitants in the country, whereas the following independent variables were operationalized and measured, namely: **economic capital,** operationalized as GDP per capita and expressed in USD, purchasing power parity (PPP), GDP growth rate, GINI index, share of richest 10 % to poorest 10 %, share of richest 20 % to poorest 20%, unemployment rate, services in total % of employment, share of wealth held by richest/poorest 10/20 %. Besides, Fuchs notes that "in the economic realm, it would be interesting to include data on hourly real wages, wage shares, and industry concentration ratios to assess if a relative fall in wages and a highly concentrated economy have negative effects on Internet adoption" (49). However, Fuchs in his analysis did not integrate suggested data due to unavailability of it at national and international levels. Additionally, Fuchs examined an effect of **political capital** on Internet adoption, which was conceptualized as follows: democracy index and average voter turnout in all national elections. Besides economic and political factors, **cultural capital** is also deemed as a contributor to the digital division: adult literacy rate, combined gross

enrollment ratio for primary, secondary and tertiary education. **Age** also matters for assessing the digital divide as well as life expectancy at birth, population under the age of 15 and population over 65. Moreover, Fuchs examined **family status** as another independent variable: birth rate per 1,000, fertility rate and average household size. **Gender** is one of the factors affecting the digital divide measured through gender related development index and gender empowerment measure. **Ability and health** are some other contributing factors, namely life expectancy at birth and disabled person per 1,000; **ethnicity** and **origin** measured through migration stock; **geography** measured through urban population as % of total population.

In the study of influential factors on the digital divide, multivariate analysis methodology, based on 11 factors and designed by Fuchs, has been adopted as it combines a variety of indicators and gives an opportunity to observe how and to what degree shifts in the digital divide are correlated to economic, social, political, demographic factors compared to others. However, dependent variable, i.e. Internet access per 1,000 inhabitants mentioned in Fuch's research as such, was to imply households having a physical hardware that could potentially be connected to the Internet, and it was changed in this paper with the percentage of individuals using Internet indicator. Fuchs justified his choice of dependent variable with the argument that for any potential further use of internet material access represents a minimum basis. Regardless of the fact, that the argument is based on a logical assumption, this approach may lead to certain wrong assumptions, for example: individuals with physical access to internet may not necessarily be using, or be able to use it, whereas when an individual uses Internet, it is assumed that they already have access to hardware and software. Therefore, in this study, percentage of individuals using Internet was chosen as a dependent variable. The data on the variable was retrieved from International Telecommunication Union's (ITU) yearly "Measuring the Information Society" reports. According to ITU, the data on percentage of individuals using Internet refers to individuals who used internet irrespective of location, purpose, type of device (personal computer, laptop, tablet, mobile phone, digital TV and etc.) and network connection (fixed or mobile network)[32]. ITU gathers data on countries through national household surveys provided by national statistical offices. Another argument for the choice of percentage of Internet users as a dependent variable is that the

32 See, International Telecommunication Union. 2013. "Measuring the Information Society". Available at: https://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf

variable entails internet connection of various types and through variety of devices, whereas access indicator focuses excludes diversity of connection and hardware types. Billon et al. (2010) notes that "the analysis of a single technology does not provide much information about the level of digital development within a country. Measure of digital development including several technologies would allow for comparisons between different levels of digitization" (40).

Methodology and Methods

The best methodology suited for the intended purposes of this study is envisioned to be a statistical analysis. More specifically, Pearson's formula and multivariate regression analysis are employed. Pearson's formula serves in twofold ways: (a) in order to detect correlation between dependent and set of independent variables; (b) in order to avoid multicollinearity concerns between independent variables. Afterwards, multivariate regression analysis is used to explore the extent to which social, economic and political factors influence the level of Internet use in the country.

Data on dependent (1) and 14 independent variables were collected from the following databases between 2011 and 2016:

Dependent variable: Internet Use % - gives information of the percentage of individuals who used internet in the last 3 months. The data were retrieved from World Bank Data;

Independent variables: (i) GINI index (Bank); (ii) GDP per capita expressed in USD purchasing power parity (PPP) (World Bank); (iii) GDP growth rate (World Bank); (iv) Unemployment Rate (World Bank); (v) Services in total % of employment (World Bank); (vi) Real wage (National Statistical Office of Georgia); (vii) Democracy index (The Economist Intelligence Unit); (viii)Life expectancy at birth (UN Data); (ix) Population under the age of 15 and (x) Population over 65 (UN data); (xi) Birth rate per 1,000; (xii) Fertility rate; (xiii) Gender related development index (UN Human Development Report); (xiv) Urban population as % of total population (UN data).

Data on the following variables for Georgia could not be obtained through any available statistical database: ethnicity and origin; adult literacy rate; combined gross enrollment ratio for primary, secondary and tertiary education; gender empowerment measure; disabled person per 1,000,share of richest 20 and 10 % to the poorest 20 and 10 % and average voter turnout rate.

In order to closely inspect a relationship between dependent and

independent variables, bivariate correlations based on Pearson's formula were run in Excel. The TABLE 1 below shows correlation coefficient between variable (X) – Percentage of Individuals Using Internet and 14 independent pre-determined variables:

TABLE 1. Relationship between percentage of Individuals using Internet and independent variables expressed in Pearson's correlation coefficient.

Percent of Individuals Using Internet vs. Variables	**Pearson's correlation (R) coefficients**
1. GINI Coefficient	-0.930
2. GDP per capita	0.952
3. GDP growth rate	-0.849
4. Real wage	0.580
5. Unemployment rate	-0.949
6. Employment in services (%)	0.934
7. Democracy Index	0.762
8. Percentage of urban population	0.947
9. Life expectancy at birth	0.900
10. Population under the age of 15	0.899
11. Population above the age of 65	0.893
12. Birth rate per 1,000	-0.849
13. Fertility rate	0.842
14. Gender Development Index	0.923

Source: The author. 2018.

TABLE 1 shows the correlation coefficient and therefore, indicates to what degree independent variables are correlated to the dependent variable. For example, (i) Correlation with GINI coefficient and Internet Use (%) is strongly negative (-0,930), which means that the smaller GINI coefficient (inequality) is, the higher Internet use is. (ii) Relation between GDP per capita and Internet use is strongly positive (0,952), stating that the higher GDP per capita is, the higher Internet use is. (iii) Correlation between GDP

growth rate and Internet use is relatively weak compared to the coefficient of GINI, but yet strongly negative (-0,849), implying that the smaller GDP growth rate is, the higher Internet use gets. (iv), Real wage and Internet use correlate with each other in a significantly positive manner (0,580), which indicates that the higher real wage is, the higher Internet use is. (v) Relations between Internet use and unemployment rate is strongly negative (-0,949), meaning that the higher unemployment rate is, the lower Internet use gets. (vi)Percentage of employment in services is strongly and positively correlated with the Internet use (0,934),showing that the higher the percentage of employment in services is, the higher the internet use is. (vii) Relations between Democracy Index and Internet use is not very strong, but is still significant (0,762).Consequently, the higher Democracy Index is, the higher Intern use is.(viii) Percentage of urban population is in strong and positive relation with the Internet use (0,947) indicating that the higher percentage of urban population is, the higher internet use gets. (ix) Life expectancy is also strongly and positively correlated with the Internet use (0,900), respectively, the higher life expectancy rate is, the higher Internet use is. The age of the population is also significantly and positively related to the Internet use as (x) in case of the population under 15, the Pearson coefficient is – 0,899, which means that the higher the percentage of population under 15 is, the higher Internet use gets. (xi) In view of the percentage of the population above 65, the coefficient is significant, but yet with a lesser degree than in case of the relation with the population under 15, and it is – 0,893, which means that the higher percentage of population above 65 is, the higher the percentage of Internet use gets. (xii) In reference to birth rate per 1,000, it is in a very negative relation with the Internet use, as its coefficient is -0,849, and it means the higher birth rate gets, the lower Internet use is. (xiii) As for fertility rate and Internet use, they are closely and positively correlated (0,842), hence, implying that the higher the fertility rate is, the higher Internet use is. (xiv)At last, Gender Development Index is strongly correlated with the Internet use (0,923) and respectively, the higher Gender Development Index is, the higher Internet use gets.

The results of bivariate correlation given in the TABLE 1 indicate that Internet use is strongly related to all the pre-selected variables. Therefore, as the number of variables is high, the level of threshold for selecting variables was set at > or = 0,9 and < or = -0,9. As a result, only following seven variables were included for the regression analysis: GINI coefficient; GDP per capita; Unemployment rate; Employment in services; Percentage

of urban population; Life expectancy at birth; Gender Development Index.

The aim of the regression analysis is to determine degree of causality between dependent and independent variables. As the bivariate correlation demonstrated, most of the pre-selected independent variables are strongly related to the dependent variable, which raises concerns regarding multicollinearity. In order to prevent the issue at stake, regression analysis is conducted separately with each variable. Pre-selected variables that demonstrated high significance more than p<.05, where excluded from the further analysis as they made little significance for the model. Accordingly, the following variables were eventually analyzed: GINI coefficient; GDP per capita; Unemployment; Employment in services; Percent of urban population; Life expectancy; and Gender Development Index. Therefore, the rest of the variables were excluded from the further analysis.

In order to test the degree of causality between dependent and independent variables, the hypotheses and models were designed for 7cases. The results are as follows:

TABLE 2. Causality between Independent variables and Internet Use.

MODELS	**Beta**	**SE**	**P value**
GINI coefficient	-4.356	0.862	0.007
GDP per capita	0.006	0.001	0.003
Unemployment rate	-3.568	0.596	0.004
Employment in services	3.061	0.585	0.006
Percentage of urban population	8.017	1.364	0.004
Life expectancy (years)	24.318	5.887	0.014
Gender Development Index	699	146	0.009

Source: The author. 2018;

The results of the regression demonstrate that there is a significant causality between the variables. Consequently, GINI coefficient decreases by 1unit, Internet use increases by 4,356 percent. In reference to an increase in GDP per capita by 100USD, Internet use increases by 6 percent. The regression analysis on causality between unemployment rate and Internet use suggests that 1 percent decrease in unemployment rate increases Internet use by 3,568 percent. The results of the regression on causality between employment in services and Internet use indicate that 1%increase in employment increases Internet use by 3,061 %. Regression analysis conducted between the size of urban population percentage and Internet use exhibited a strong causality, and accordingly,1% increase in urbanization increases Internet use by 8,017 percent. The TABLE 2 indicates that the positive change in life expectancy by 1 year will increase the rate of Internet use by 24,32 %, which demonstrates the strongest causality among the selected independent and dependent variables.In the end, it is worth mentioning that 1 point change is quite high for Gender Development Index as it ranges from 0 to 1 on the measurement scale; therefore, the results show that 0,01 unit change in terms of Gender Development Index, increase Internet use rate by 6,99 percent.

The Case of Georgia: Social, Economic and Political Development in 1991-2016

In the aftermath of disintegration of the Soviet Union, Georgia found itself in an extreme economic hardship. Additionally, presence of the civil strife, armed conflicts with its breakaway regions and hyperinflation affected the inflow of investments, development of business sector and government priorities(Intermediary Document of Poverty Reduction and Economic Growth Program in Georgia 2000, 4). Above-mentioned reality and poor social and economic conditioning of the population were seen as one of the most significant factors hampering widespread adoption of ICTs in business sector and at individual level.

In terms of formation and development of ICT market, Georgia underwent three stages:

The process of ICT sector formation started in 1999, when the Government of Georgia started implementing institutional and structural reforms in order to establish basis for creation of ICT market. At the beginning, between 1999 and 2005, through the consultations with the international organizations and adoption of existing best practices in the

field, legislative documents concerning regulation of ICT sector were drafted and adopted. The window of opportunity for launching projects in the sector of ICTs was opened due to wide scale reforms laying an institutional foundation for economic growth. Regardless of an improving situation, political, economic and social problems had been prevalent and widespread in Georgian society until 2004. For example, the level of infrastructural development was very low and as a result, there were frequent electricity cuts. Moreover, Internet was provided through only one route Poti-Novorossiyski-Sochi cable that covered only 17 cities and regional centers in Georgia (UNDP Georgia 2004, 57). Lack of competitive infrastructural environment and high tariffs imposed on local Internet Service Providers (ISPs), made internet service unevenly reachable and affordable for local population, who were mostly impoverished due to existing social and economic situation. Besides, as most capital and wealth was accumulated in the capital (Tbilisi) and few other big cities in the regions (Batumi), modernization and development of most of the ICT infrastructure took place in these areas. ICT adoption was not evenly taking place either inside above-mentioned areas, but had a tendency of wider adoption rate in the most prestigious and central parts of these cities (UNDP Georgia 2004, 56-59). Summarily, infrastructural conditions and capital distribution contributed to uneven adoption and development rate of ICTs within the country.

The year of 2003 marked a historical date for Georgia due to governmental change that was followed with the large-scale reforms and significant improvement of political, social and economic situation in the country. In November 2003, the new government headed by Mikheil Saakashvili came into power. Wide-scale reforms targeting corruption and crime were launched in the country and led it towards integration to Euro-Atlantic structures. An improved political situation, the strengthening of public institutions and establishment of the rule of law had significantly boosted economic growth and inflow of FDIs. In a time span of 2003 and 2007 the amount of FDI to Georgia increased from 335 million to 1,8 billion USD (Expansion of market liberalization and relaxation of regulations had significantly contributed to inflow of FDIs and improvement of business environment in the country). Additionally, during 2003-3007 GDP per capita increased from 1,010 to 2,635 USD demonstrating further improvements in the social, economic and political domains. The process of 'informatisation' or ICT adoption started in early 2000s through creation of one of the components of electronic government (e-government), which

is state's ICT infrastructure. It is worth emphasizing that 'informatisation' process in Georgia was driven by the governmental sector, as due to pervasive social, economic, political and institutional problems, business sector was very weak and faced even further barriers to expansion. Therefore, e-government system was envisioned as the means to stimulate ICT adoption in the country. Interestingly, between 2003 and 2007 two major indicators of inequality were demonstrating growth instead of a decline. According to National Statistical Service of Georgia (NSSG), in 2003, 36,7 % of population lived below poverty line, whereas by 2007 the number had increased by 38,8 %. Additionally, NSSG data indicates that the level of inequality expressed through GINI index increased from 0,38 (2003) to 0,40 (2007) (in the scale ranging from 0 to 1, where 0 means absolute equality and 1 is absolute inequality). Summarily, regardless of the fast economic growth and improved living conditions, social and economic inequality did not only persisted, but also took a strong hold in the societal life.

In August 2008, the war between Georgia and Russia took place that significantly affected country's rapidly growing economy. During 2008 and 2009, the amount of FDIs decreased by 57,7 % - from 1,6 billion to 664 million USD. Additionally, the results of war were intensified by the global economic crisis that adversely impacted Georgia. Regardless of external and internal shocks, Georgian economy managed to rapidly recover and return to a pre-war growth tendency by 2012. In the light of fast economic growth and upcoming parliamentary elections in 2012, the government launched a variety of programs aiming to improve social and economic condition of the population. The distinctive moment for the new wave of "informatisation" projects was that Governmental policies shifted to providing access and skills through educational policies and projects. Most of the realized projects were planned and implemented in cooperation with the Ministry of Education and Science of Georgia.Some of the most significant projects in the sector of ICTs were initiated and launched between 2009 and 2011. Additionally, it is worth mentioning that between 2008 and 2009, government expenditure on education increased from 2,9 to 3,2 % of GDP, however the amount of expenditures on education decreased by 2,7 % in 2011 and amounted to 2% in 2012 (World Bank Data).

Governmental change in Georgia in 2012 had an expressive influence on the social and economic situation throughout the whole country. A new coalition government that identified itself as left-leaning Social Democrats (SD) started realizing its policies aimed at improving living conditions of socially and economically disadvantaged groups. However, because of

increased state budget spending, government debt constituted approximately 35 % of GDP in 2012, whereas in 2016 the share increased to 44 % (World Bank Data). Nonetheless, inequality rate expressed through GINI coefficient indicates that between 2012 and 2016 inequality coefficient decreased from 0,41 to 0,39 (on a 0-1 range, where 0 indicates to an absolute equality and 1 is an absolute inequality (NSSG Data). Moreover, government expenditure on education had significantly increased from 2 % in 2012 to 3,8 % of GDP in 2016 (World Bank Data). According to the NSSG data, indicators of poverty and unemployment rate also underwent changes between 2012 and 2016. For example, the rate of absolute poverty declined from 30 (in 2012) to 21,9 % (in 2016) and unemployment rate dropped from 17,2 in 2012 to 14 % in 2016.

As it is demonstrated, the process of 'informatisation' in Georgia was initiated at governmental level rather than driven by business sector expansion and ICT market development. Therefore, more detailed exploration of the process of e-government system establishment and development would be helpful to understand the dynamics of ICT sector in the country.

Regardless of the positive developments in area of e-government system establishment, development of public infrastructure and legislation, widespread ICT exploitation on governmental level and sectorial prioritization started only in 2009. In the framework of large-scale reforms aimed at improving transparency, accountability and openness of public administration, the Government of Georgia declared implementation of effective e-governance as one of its top priorities (Economic Policy Research Center 2015, 4).As a first step, the following legislation was adopted to support further development of e-governance: Law of Georgia on Electronic Signatures and Electronic Documents (2007); Law of Georgia on the Establishment of the Legal Entity under Public Law (LEPL) called the Data Exchange Agency (2010); Law of Georgia on the Public Registry (2011); Law of Georgia on Information Security (2012); Law of Georgia on Personal Data Protection (2012) and etc.

Since 2010, Georgia has launched a functional e-government system entailing all components of e-government, such as: online registrars, eID, and portal integrating all governmental services, among others. Since 2012, developments under the framework of e-governance were furthered with the creation of Public Service Development Agency (PSDA)supporting public service delivery throughout the whole country with a special focus of development of electronic services on regional level. Two most significant

and impactful projects realized by PSDA and funded by the European Union (EU) were launched in 2011. (a) Community Centers' project, aiming at providing quality public service on local level through creation of municipal community centers and expanding the scope of opportunities for the rural population through providing equal access to ICTs (PSDA).In the scope of the project more than 50 community centers had been established by 2016, where rural dwellers could access to more than 200 services in one space. Additionally, the centers provide open access to personal computers, internet and skills-based technical support (Community Center).(b) Another significant project concerns empowerment of targeted municipalities through establishment and effective realization of e-governance (PSDA). Additionally to the above-mentioned institutional reforms and developments, Georgian government has been proactively ensuring openness at governmental level in the framework of Open Government Partnership (OGP) initiative launched in 2011. OGP aims at opening up government to citizens through providing transparency, accountability and quality public service delivery measures for the functioning of governments. Georgia's OGP commitments and action plans are notable for the purposes of this paper to the extent they enhance accessibility to public services. In the course of OGP commitments, the government of Georgia had successfully implemented projects, such as: Public Service Hall-Hub in 16 more regional cities and enhancement of e-governance system on local level between 2012 and 2013 (Gogidze 2013). Moreover, development of local community centers, introduction of e-governance in local self-governments and transformation of public libraries for local development between 2014 and 2015 (Gogidze 2015).Regardless of the above-mentioned institutional developments in reference to ICT sector expansion and adoption, one of the most significant events affecting the course of developments took place in June 2014, when Georgia signed Association Agreement (AA) with the EU. Article 324 (d) of the Chapter 8 on the "Cooperation in the Field of Information Society" provides that in the framework of the AA, the Parties should cooperate in order to:

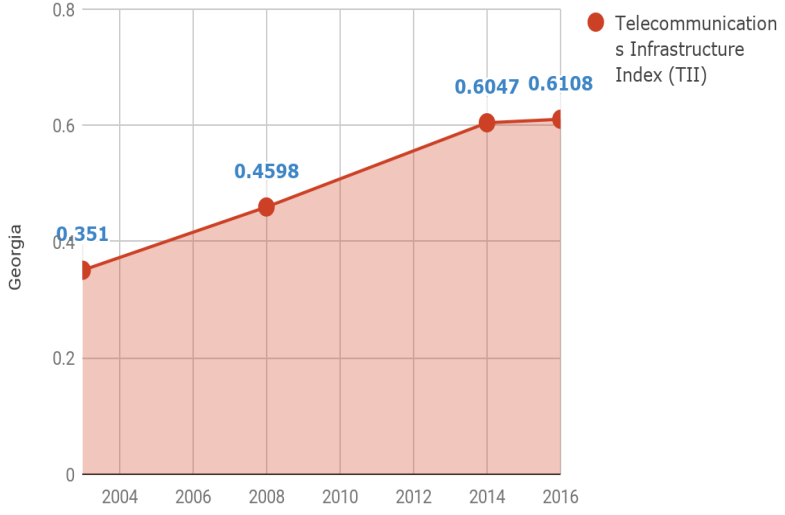
promote cooperation on the development of the Information Society to benefit citizens and businesses through the widespread availability of information and communication technologies (ICT) and through better quality of services at affordable prices. This cooperation should aim at facilitating access to electronic communications markets, encouraging competition and investment in the sector (115).

In details, the subject of the cooperation in connection to Information Society entails exchange of best practices in terms of national information

society initiatives, especially in terms of "promoting broadband internet access, improving network security and developing public online services" (116).In response to the AA agreement cooperation areas, the Government of Georgia adopted a "Social-Economic Development Strategy of Georgia 2020" in 2014 outlining prioritization of ICT sector development as one of the driving factors for economic growth. The government reiterates its policies in the following areas: (a) development of ICT infrastructure at regional and national level in order to deliver adequate qualification to the workforce (2014, 26); (b) facilitation of broader ICT use in economy through developing internet infrastructure throughout whole country (26-27), among others.

In order to facilitate realization of AA actions and newly adopted strategy, in 2014a new institution Georgia's Agency of Innovations and Technologies (GITA) was established under the aegis of the Ministry of Economy and Sustainable Development. GITA's aim is to support development of ICT innovations ecosystem formation; aid commercialization of knowledge and innovation; introduction of high-tech in the Economic sector; and development of high-speech broadband Internet infrastructure in the country (GITA 2016). Despite the scarcity of time, by 2016 GITA had implemented several notable projects in order to boost ICT sector growth.

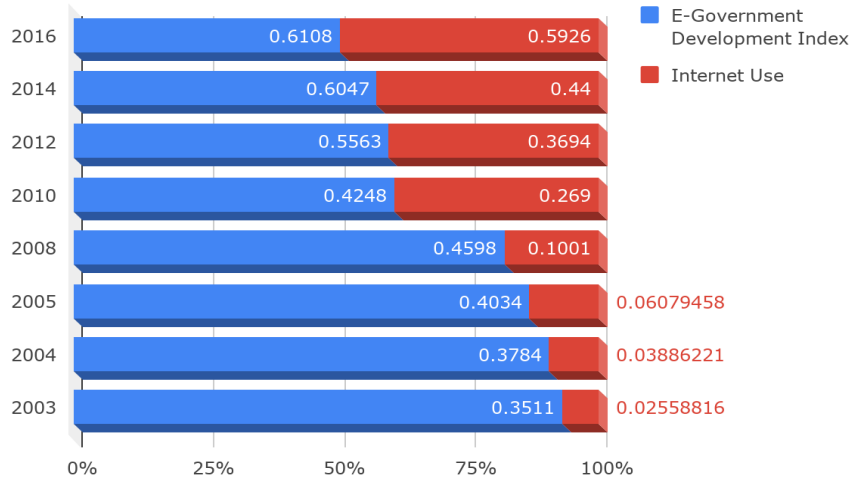
Figure 1. Telecommunication Infrastructure Index (TII) in Georgia between 2004 and 2016.



*Source:*UN Global E-Government Survey.

Figure 1 shows Telecommunication Infrastructure Index (TII) in Georgia. TII is one of the components of the UN E-Government Survey and measures the state of infrastructural developments in a specific country in the range of 0 to 1, where 0 means no telecommunications infrastructure and 1 means its fully coverage of population in terms of telecommunications. More specifically, TII is a composite index comprised of the following 5 components: (i) number of mobile-cellular subscriptions per 100 inhabitants; (ii) percentage of population using Internet; (iii) number of fixed (wired)-broadband subscription per 100 inhabitants; (iv) number of wireless broadband subscriptions per 100 inhabitants; (v) number of fixed telephone subscriptions per 100 inhabitants. Telecommunication Infrastructure Index might be a helpful tool to assess how connected population is in the country and to what extent ICTs are adopted among the citizens. Figure 1 demonstrates that in 2003, Georgia's telecommunications infrastructure was poor. However, regardless of multiple programs and market liberalization, telecommunications sector became more accessible for population and was projected with moderate but a steady growth until 2014. Irrespective of a new wave of infrastructural projects, between 2014 and 2016, TII slightly dropped from 0,4261 to 0,418.

Figure 2. Share of e-Government Development Index and Internet Use between 2003 and 2016.



Note: Data is standardized in the range of 0-1.

*Source:*UN E-Government Development Index (EGDI).

Figure 2illustrates the tendency of e-Government Development expressed through UN E-Government Development Index (EGDI) and Internet Use rate expressed in the percentage of population. EGDI is a composite index comprised of the following components: (i) Online Service Index; (ii) Telecommunication Infrastructure Index; (iii) Human Capital Index. Figure 2 demonstrates rapid developments in the sector of e-governance, whereas in the meantime, Internet adoption and use rate has been increasing very slowly within4 years-time from 2003 to 2008. However, in 2010-2016, both indicators showed a balanced growth and normalization, implying that Internet use rate had significantly increased from 2008 to 2010 and almost equaled to e-governance development rate. Therefore, it is visible how Internet adoption rates became saturated over time.

Discussion of the Findings

Interpretation of the Beta coefficients given in the above-mentioned sub-chapter provides with a significant insight on the essential factors of the digital divide in Georgia between 2011 and 2016. The data proves that digital divide is indeed, a complex phenomenon that cannot be solely tackled by targeting one sector of societal organization. Economic conditions play a significant role in changes in the size of digital divide; however, these factors are not the most influential for closing the digital divide. According to the collected the data, life expectancy (years) strongly affects Internet use: if life expectancy (years) increases in 1year, Internet use raises by 24,318 percent. Life expectancy that measures average time (the number of years) of an individual at birth, time is supposed to reach throughout her/his lifetime is a strong indicator to assess the development trends in the society. Life expectancy is one of the components of UNDP's composite Human Development Index (HDI), intended to provide measurement for 3 key areas for human development: long and healthy life, access to knowledge and decent standard of living (UNDP: Technical Notes 2018, 2). Moreover, life expectancy is one of the Sustainable Development Goals (SDG 3) developed by the UN in 2015. SDG3 calls for better health-care and general well-being that encompasses 11 target goals to be achieved by 2030, including reduction in maternal and child mortality, spread of viruses and diseases and health financing and others (MDG Monitor 2016).

Turan (2009) argues that an increase in the expected years of life at birth (life expectancy) reduces fertility rate, increases educational level and boosts women's participation in the labor-force (18). Additionally, Carvelatti and Sunde (2009) provide data that advancement of life expectancy

indicates the phase of transition (pre- or post-). The authors argue that an increase in life expectancy positively affects economic well-being and human capital formation in post-transition countries (14-24). In relation to Georgia, it is worth mentioning that life expectancy increased from 72,68 to 73,261 years between 2011 and 2012. In 2012, Universal Healthcare Program (UHP) was initiated by the Government of Georgia and, accordingly it provided state funding of the majority of health-related issues for the entire population of Georgia. Additionally, UHP funded entire costs of medication or partial coverage of the costs for more advantaged groups. Therefore, it is expected that due to the massive access and inclusion of the population into health-care system, improved life expectancy during 2012-2016. Summarily, life expectancy might indicate the level of healthcare and well-being in the country and result in increased productivity and capital formation. Therefore, strong causality between life expectancy and Internet use indicate how well people are doing in a specific jurisdiction and how much access they have to healthy and decent life, which presupposes that individuals are better off to gain access to ICTs in general and Internet, in specific.

Another significant factor that expresses strong causality with the rate of Internet use is a geographic distribution expressed in percentage of urban population. Urban/rural division has been intensively explored by the scholars studying inequalities, especially the digital divide. The fact that urban areas are denser in terms of population and infrastructure may possibly explain it and economic activities strive to locate in these areas. In view of infrastructure, it is easier to provide and have access to ICTs in urban than in rural areas, because it is more profitable for the business to facilitate infrastructural enhancement as the demand is higher there than in rural areas, which is based on agricultural production (Fuchs 2009, 53). However, growth of urban population should not necessarily be interpreted as a positive trend with regard to Internet use. The data provided through the regression analysis indicates that if urbanization rate increases by 1%, Internet use raises by 8,017 percent. That tendency reveals that due to geographical constraints, access to economic capital, ICT infrastructure and affordability of the ICT prices may cause problematic issues that need to be explored further. Between 2011 and 2016 percentage of urban population increased approximately by 2 %, which makes a significant difference in relation to the size and economy of Georgia. Regardless of the government attempts to improve living conditions in the regionsthrough enhancing local business environment and infrastructural investments, regional development still remains one of the challenging issues for policy makers (The Government of Georgia 2018,43).

Another significant factor influencing the rate of Internet use is Gender Development Index (GDI) is a composite index developed by UNDP in order to assess gender equality. Besides that, women's empowerment is one of the SDG's (SDG 5) that calls for achieving equality by 2030. While navigating in their communities, women face plethora of constraints and obstacles in their private and public lives. Positioning of women in a society is not dependent on improvements in any specific area, but entails structural problems. In most cases, equality between men and women is difficult to achieve due to government policies, societal approach towards women, deprivation of women's agency and etc. (UN Women n.d.). Problems, regarding gender inequality, are the most persistent in developing countries, where women are deprived of educational and job opportunities. Moreover, they get fewer wages than men in the developed countries.They also attain unpaid work in the households amounting to most of their time and have little or no access to ICTs or are unable to meaningfully employ them (Antonio and Tuffley 2014). In terms of data analysis, GDI is highly related to equality measures, meaning that an increase in GDI with 0,01 units, the rate of Internet use raises by 6,99 percent. This demonstrates that equality policies, such as adopting relevant legislation, promoting equality and distribution of resources in an equal basis is strongly causal to the Internet use rate. Between 2011 and 2016, Georgia's GDI increased from 0,958 to 0,957 out of range between 0 and 1. These changes were a result of adoption of several packages of law conditioned by Association Agreement with the EU and efforts of local advocacy groups. However, regardless of the fact that legislative measures were taken, several problems still persist in regard to implementation of the law.

Regression analysis indicates that there is a significant causality between GINI coefficient and GDP per capita to the rate of Internet use. GINI coefficient that measures wealth distribution on the national level is an indicator of measuring inequality. GDP per capita also provides an economic measure on how well economy is doing. Economic resources on national (GDP) and at individual level (GINI) are important factors affecting ICT and especially Internet adoption as they facilitate whether governments and individuals can allocate money on technological services and to what extent they are able to do so. However, it is worth noting that by nature, GDP and GINI coefficients are not related to each other *per se*. The country might show raising number of GDP per capita and GINI coefficient might also indicate the high numbers. This takes place when the distribution of wealth does not take place in society, regardless of the fact that in overall, country is doing well in reference to its economy. In Georgia, between 2011

and 2016 the pace of GINI coefficient decline had been moderate (0,395 in 2011 and 0,365 in 2016) compared to rampant increase in GDP per capita from 0,265 in 2012 to 1 in 2016. GDP growth indicates that Georgia was doing well economically due to enhanced trade and partnership affiliations with the EU; however, the wealth distribution was not catching up. That was also indicated by the data providing that 1unit decrease in GINI coefficient caused 4,356 percent raise in the Internet use rate. This can be explained by the fact that distribution of wealth is positively influenced by economic and social well-being of individuals who can gain access to technologies, that were unaffordable before. Nonetheless, GDP per capita does not have causality of the same strength with the rate of Internet use as GINI coefficient has: increase in GDP per capita by 100 USD provides increase in Internet use by6 percent. This can be explained by the fact that economy might be doing well, but without certain policies, the resources might be getting accumulated in the hands of the privileged and already well off that would not change Internet adoption and use rate for larger population due to lack of resources to access technology.

Lastly, two more indicators exhibit strong causality with the Internet use rate. Decrease in unemployment rate positively influences the Internet use; more specifically, in Georgia, decrease in unemployment by 1 %, increases Internet use by 3,568 percent. This means that employment might provide people with resources, motivation, skills and need to access and use Internet, especially when it comes to service sector that employs technology to enhance its competitiveness. Accordingly, the data provided that increase in percentage of employment in services increased Internet use rate by 3,061 percent. In the light of rapid technological advancements and ongoing digital revolution, service sector provides the engine for consuming and producing technology and particularly, Internet. Since the country heads towards further integration to the EU and market development, service sector also enlarges.

In sum, correlation analysis has projected that the strongest relation (more than 0,9) exists between the Internet use (dependent variable) and 7 independent variables: GINI coefficient; GDP per capita; Unemployment rate; Employment in services; urban population rate; Life expectancy; Gender Development Index. Above mentioned independent variables were foreseen to best fit for regression analysis in order to provide the extent of causality between dependent and independent variables. Stepwise regression analysis has demonstrated that there is a strong and significant causality between the selected variables, which provide solid ground for understanding the digital divide as well as its volume. However, shortcoming of the indicators (independent variables) and statistical analysis were to be

collinearity. Indicators that were analyzed at intersectional domains and sometimes combined with each other into compound indices, made data interpretation subject to relevant concerns. Therefore, it is suggested for the further studies to take measures for eliminating indicators that are in high collinearity with each other in order to interpret research results with more certainty.

Policy Recommendations

One of the objectives of this paper was to provide certain policy recommendations on the ways to overcome or narrow the digital divide in Georgia. As the data demonstrated, Internet use rate is still very low in the country even though the government has been pursuing some concrete interventions to aid the issue. Regardless of the policies, most of which were technological and aimed at closing the gap in terms of access, factors that have an influential effect on the digital divide must be taken into consideration in order to afford meaningful change. This subchapter provides several recommendations based on the analysis of the data.

Digital divide is not merely a technological problem. Neither can it be solved through solely technological interventions. Policy makers should bear in mind existing socio-economic inequalities in order to allocate the money in the promotion of ICT access and use. Especially, a distribution policy plays a significant role when it comes to using and benefitting Internet. Therefore; policies should strive to (i) enhance the overall well-being of individuals through universal health-care and establishment mechanisms of care which, in return, will reflect into individual well-being and boost societal development. Moreover, (ii) gender equality plays a significant role in terms of bridging the digital divide and exclusions go along the lines that are strongly cemented in the structures on societal functioning. Therefore, it is important for legislative amendments to be supported by a strong and reliable implementation process. Additionally, women are included in making policies on technology in order to fully provide them with perspective and reality in the male-engendered field. (iii) In the light of rapid urbanization rate and growth of cities, it is important that regional development does not lag behind. For the inhabitants of the regions to fully harness revolutionary technologies indeed, they should have access to infrastructure and economic means to afford the services provided. Besides, educational measures should be taken to empower rural communities in terms of harnessing technologies for boosting their well-being and livelihoods.

Conclusion

The aim of this paper was to provide a theoretical background and justification for addressing digital divide through contextual analysis of underlying social, economic and political factors through (a) assessing how and (b) to what extent already existing social, economic and political regimes influence the course of digital divide in order to (c) provide concrete database recommendations to policy-makers.

In order to achieve the aim and objectives set in the course of this paper, digital divide was analyzed in terms of its evolution and development by means of providing a distinctive, yet not mutually exclusive scholarly work on the definition of the subject matter under study. Once the subject was conceptualized, the paper reviewed analyses of respected scholars writing on digital divide, inequality and communications domain. Through the intense study of the work produced in the domain, technological theories were presented and theoretical turn was taken in order to look at the digital divide from a concrete perspective, i.e. stratification theory lenses. Built upon theoretical work, the paper has presented operational framework that helped to select 16 pre-defined independent and 1 dependent variables.

After pre-selection of the variables, the case of Georgia was discussed in details in order to form a strong basis for understanding and internalizing social, economic and political dynamic of the society since its independence in 1991. This was done in order to achieve objective (a) of the study that was assessing how already existing social, economic and political regimes influenced the course of digital divide in Georgia. The study of the context on concrete levels aimed to aid the author to locate concrete data into context and societal dynamics of the case under study.

Case study on Georgia was followed by the regression analysis in order to achieve the objective (b) of the study, which was the provision of the extent of the factors such as social, economic and political on the course of digital divide. The objective was achieved successfully and led the author to provide concrete policy recommendations that initially, achieved objective (c) of the study.

This research provided foundation for understanding digital divide in its natural environment in order to better assess and amend it. Digital divide is as complex as the factors that were analyzed against digital divide and one of the limitations of the study is suggested to be highly overlapped by measurement tools that stand behind the data analyzed. This limitation could be overcome through the adoption of a more concrete analytical tool and designing methodology accordingly.

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LEGAL FRAMEWORK OF DOMESTIC VIOLENCE. COMPARATIVE ANALYSES OF LEGISLATIONS ON DOMESTIC VIOLENCE OF POST- SOVIET COUNTRIES BASED ON THE INTERNATIONAL LEGAL DOCUMENTS

Mariam Kurshudyan

Abstract

Armenia is among the countries with the lowest level of gender–related issues. The most widespread pressing gender issues in Armenia are discrimination and gender-based violence. Discrimination against women in the economic, political, social, and other spheres of the Armenian society is accompanied by a common acceptance of domestic violence (DV), which is the most common form of violence against women occurring in all the corners of the globe. This paper is a comparative analysis of legal framework of Domestic Violence of some of the Post-Soviet countries based on the international legal documents. The focus of the paper will be on the Council of Europe human rights system and then legal framework of DV of the post-Soviet countries, such as Armenia, Georgia and Ukraine. The claim of the paper is that the Government of Armenia fails to comply with its obligations under international and regional human rights law because of the post-Soviet mentality mainstreaming. Based on a comparative legal analysis, this thesis concludes that the reason of incompliance of the Armenian law on DV with the international legal framework is not only the existing inexpedient specific national legislation and lack of profound gender sensitive policies, but also the absence of genuine political will to combat domestic violence against women.

Keywords: *Domestic violence, Discrimination, Post-Soviet countries, Legal analysis, Legislation*.

Introduction

Before proceeding to examination of the legal framework of DV in post-Soviet countries and its compliance with the main international standards, it is important to review the local DV context in Armenia. Recently, there has been a renewed interest in the Armenian society towards the notion of domestic violence connected with the procedures of the adoption of legislation of preventing DV in the country in question. In the century of law and equal human rights, DV still occurs as a violation and is one of the most heinous manifestations of gender inequality. Domestic violence is not a family conflict. It is a crime, which purposes to gain control over another person. This violates basic human rights, such as the right to life, the right to personal freedom and inviolability, the right to honour and dignity and many others. Domestic violence is of psychological, sexual, economic and physical nature. Violence is committed in any family regardless of social belonging. It does not have social boundaries and occurs in all social groups. Domestic violence is found in every society and culture. As Amnesty International[33] notes in its research on domestic violence it is not a local phenomenon: "The figures may vary in different countries but the suffering and its causes are similar around the world."[34]

Additionally, domestic violence is characterized by high latency. Thereby, only a small part of the facts of domestic violence became known to the state bodies and to the public. Usually victims of domestic violence have recourse to the state bodies only after the onset of grave consequences, inasmuch as women are embarrassed to admit that they are subjected to violence by their spouse. For centuries, women were discriminated and subjected to DV.

The most prevailing DV causes that give rise to violence against Armenian women are the following factors: traditional Armenian family and perception that men are superior-patriarchy, violent behaviour tolerated by society in general and militarism, perception of women as property, objectification of women, bad socioeconomic conditions, growing poverty and social polarization, absence of trust in law enforcement representatives, and lack of the appropriate domestic violence legislation.

Domestic violence is not only women's problem, but also a classic problem in Armenia. Violence in the family is not a private matter of an

33 Amnesty International is a non-governmental human rights organization founded in 1961 in London. See more about Amnesty International at their official website https://www.amnesty.org.

34 Amnesty International, *"Broken Bodies Shattered Minds: Torture and Ill-Treatment of Women",* 6 March 2001, https://www.amnesty.org/en/documents/act40/001/2001/ar/. Accessed to 28 Oct, 2017.

individual. It is a violation of human rights. Prevention of domestic violence should become a priority of the national security policy of the Republic of Armenia. The fact that domestic violence is inherent in all societies legitimizes the claim that it could no longer be deemed as a private issue and ***"beyond the scope of state responsibility."***[35] Domestic violence affects everyone within the family irrespective of gender and age. Unfortunately, according to many authors, ***the vast majority of victims***[36] ***are women***. Different forms of violence "affect women ***since their prenatal stage of birth up to old age***."[37] As it is fixed in the fact sheet of UN Secretary-General's Campaign UNITE to End Violence against women, at least one out of three women is subjected to violence by her intimate partner.[38] At the regional level, the Council of Europe (CoE) has been concerned about the problem of domestic violence since the late 1990s. In 2002, in its Recommendation to Member States on the protection of women against violence, the Committee of Ministers reaffirmed that violence towards women is one of the main obstacles on the way of equal opportunities and rights as the warranty of gender equality between women and men.[39]. ***In 2011, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention was opened for signature by State Parties.*** It entered into force on 1 August 2014 with the ratification of 10 State Parties.[40] Currently 45 States have signed and 33 of them have ratified the Istanbul Convention.[41] **Armenia signed it** with some reservations on **18 January 2018** and has not ratified it yet.

The actuality of the paper is obvious, as not only DV legislation has been adopted by Armenia quite lately, but also the Istanbul Convention was

35 Dorothy Q. Thomas and Michele Beazley, *"Domestic Violence as a Human Rights Issue"*, Human Rights Quarterly 15, No. 1, 1993, p. 46.

36 Many authors refer to women affected by domestic violence as "survivors" explaining that the word "victim(s)" as it may be regarded as weakness of women and may be also referred to those who have been killed. In this thesis the word "victim(s)" is used for women who have been killed and 'survivors' to the women who have survived in the result of DV.

37 UN Secretary-General's Campaign UNITE to End Violence against Women, Fact Sheet, *Violence against Women: The Situation*, DPI/2546A, November 2011, p. 1.

38 UN Secretary-General's Campaign UNITE to End Violence against women, Fact Sheet, DPI/2498, February 2008,
http://www.un.org/en/women/endviolence/pdf/VAW.pdf.

39 Council of Europe, Committee of Ministers, Recommendation Rec (2002) 5, https://wcd.coe.int/ViewDoc.jsp?id=280915. Accessed to 28 Oct, 2017.

40 According to Article 75 (3) of the Istanbul Convention it shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories have expressed their consent to be bound by the Convention.

41 Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence. Status as of 24/03/2016, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures. Accessed to 28 Oct, 2017.

signed this year. There was an urgent need to investigate the compliance of the Armenian DV legislation with the Istanbul Convention and give recommendations to the RA to make improvements in the national legislation to adjust it to international standards.

The central hypothesis of the paper is that the DV law (adopted and entitled as law "On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion") in Armenia as a post-Soviet country does not correspond to the international standards of the Istanbul Convention.

The main goal of the current study is to determine the compliance of the standards of the new adopted law "On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion" of Armenia with the international human rights standards of the Istanbul Convention and detect the gaps of the Armenian DV law through a comparative research of DV legal framework of several post–Soviet countries, thereby addressing them to the Government of Armenia.

The methodological approach is based on a joint methodology of a comparative and contrast analysis. Methodology is a content analysis of the Istanbul Convention on DV and comparison of the DV laws of some post-Soviet countries (Ukraine, Georgia and Armenia) based on the principles of the Istanbul Convention.

The Scientific value of this thesis is that this theme is going to be studied in details for the first time, as DV law has been adopted in Armenia quite recently, which gives us the opportunity to study the mechanism of the new law and find out whether they correspond to the international standards. After all, recommendations will be sent to the state of RA for improving the gaps in the new-adopted law.

The practical value of the present study is that it is going to be used as a new tool/mechanism due to the comparative research to work with in the legal level, filling the gap of the investigative background of DV law in Armenia.

Domestic Violence: Forms of Violence, Causes, Impact, Perception of DV in Armenia

Only for the last decades, domestic violence has been perceived as a human rights violation. In order to define domestic violence within the scope of this article, let's have a brief literature review on the phenomenon of DV.

What is domestic violence: The term "domestic violence" is mainly used to describe violence from one of the family members towards the other

member within an intimate relationship of partners, spouses, children and parents. It may also occur between former spouses or partners. Though domestic violence may affect everyone within a family or a relationship, unfortunately women are the main target to be victimized within the family. As a global phenomenon **in the whole world, violence affects each third woman** causing death and disability among them.[42] Surveys prove that the most common form of violence women experience in their lifetime is the physical violence inflicted by an intimate partner.[43] Women are commonly subjected to violence in their homes. In addition, it is not accidental that Edwards comments, "The safest place for men is the home, the home, by contrast, is the least safe place for women."[44] Domestic violence is a brutal manifestation of discrimination against women. "To some extent domestic violence is not random, i.e., it is directed at women because they are women…,"[45] therefore, domestic violence is often described as **gender-based violence.**

Forms, causes and impact of domestic violence: Domestic violence is expressed in different forms. The main comprehensive convention on domestic violence is the Istanbul Convention defining domestic violence as "all acts of physical, sexual, psychological or economic violence that occur within the family or between former/current spouses or partners, despite the reality, whether the perpetrator shares or has shared the same residence with the victim."[46] The UN in-depth Study on all Forms of Violence against women defines that physical, sexual, psychological and economic abuses are interrelated.[47] According to the study, physical violence is characterized as the intentional use of physical force, strength or a weapon to harm a woman.[48] Sexual violence is described as an abusive sexual contact with a woman engaging her into a sexual act without her consent or against her

42 Report of the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, 1 September 2011, paragraph 8.
43 UN Secretary-General's Campaign UNITE to End Violence against Women, Fact Sheet, *Violence against Women: The Situation*, DPI/2546A, November 2011, p. 1.
44 Edwards, S.S.M.,"*Policing* '*Domestic*' *Violence*: Women, the Law and the State", 1989 London, Sage, page 214.
45 Dorothy Q. Thomas and Michele Baesley, *"Domestic Violence as a Human Rights Issue"*, Human Rights Quarterly 15, No. 1 (1993), p. 60. https://warwick.ac.uk/study/csde/gsp/eportfolio/directory/pg/archive/asrjac/research/thesis/762650.pdf. Accessed to 28 Oct, 2017.
46 The Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 3 (b), htt ps://rm.coe.int/168008482e. Accessed to 28 Oct, 2017.
47 The UN General Assembly, In-depth Study on All Forms of Violence against Women, 6 July 2006, paragraph 104 citing Watts, C. and Zimmerman, C., "Violence against women: global scope and magnitude", Lancet, vol. 359 (April 2002), pp. 1232-1237.
48 The UN General Assembly, In-depth Study on All Forms of Violence against Women, 6 July 2006, paragraph 113,
citing Saltzman, Fanslow, McMaon and Shelley, G.A. Intimate partner violence surveillance: Uniform definitions and recommended data elements, version 1.0, 2002 Atlanta.

will.[49] Psychological violence encompasses control, isolation, humiliation, and embarrassment of a woman.[50] Economic violence is described as denying a woman access to and control over basic resources.[51] The same study suggests that forms of violence are relative to cultural, social, economic and political context.[52] Manifestations of violence have an evolving nature; therefore, the study concludes that it is impossible to make an exhaustive list of forms of violence against women.[53] Even if domestic violence has a long chorography in human history, it has been and is still accompanied ***by high latency remaining underreported and under-documented***, therefore it is hard to detect and examine it wholly.[54] For many years, domestic violence has been treated as a natural phenomenon to be explained due to biological difference between men and women.[55] In some theories, the existence of domestic violence is explained as a manifestation of gender-based hierarchy - women subordination to men, men superiority to women. The roots of the hierarchy are political and social structure of patriarchal mainstreaming, where the private is becoming political. That creates different and biased perceptions about gender roles in a family and in a society, thereby distinguishing weak and powerful sexes forming a sexist approach towards women "resulting in women experiencing discrimination and subordination in a society because they are women."[56] Some theories about men's power chiefly emphasize that women suffer most of all from the manifestation of men's masculinity.[57] Nonetheless, there are other explanations for causes of domestic violence, such as social problems, unemployment, alcohol or drug addiction or psychological problems of perpetrators. Neither of them, however, should be referred as a means to justify domestic violence. Domestic violence affects not only women who are subjected to violence, but also their children, other members of the family, a society in general.[58] When DV is addressed directly to

49 Ibid.
50 Ibid.
51 Ibid.
52 Ibid, paragraph 105.
53 Ibid, paragraph 105.
54 Laura L. O'Toole, Jessica R. Schiffman, Margie L. Kiter Edwards (editors), "Gender Violence: Interdisciplinary Perspectives", 2007, p. 3. https://books.google.am/books/about/Gender_Violence.html?id=Fg4UCgAAQBAJ&redir_esc=y. Accessed to 28 Oct, 2017.
55 Ibid.
56 Joanna Nilsson "Mandatory Prosecution Policies in Cases of Domestic Violence – A State Obligation under International Human Rights Law?", Lund University, 2012, p. 12, http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=2861466&fileOId=3161529. Accessed to 28 Oct, 2017.
57 Jeff Hearn, *"The Violence of Men: How Men Talk About and How Agencies Respond to Men's Violence to Women",* SAGE Publications LTD, 1998, p. 4.
58 The UN General Assembly, In-depth Study on All Forms of Violence against Women, 6 July 2006, paragraph 106.

women, children suffer directly or indirectly too, as in such patriarchal countries as Armenia, children are brought up by mothers and have a special connection with them, while children don't even manage to get acquainted with their fathers during their entire life and be connected to them emotionally. This is based again on the gender roles of men and women, that women must be emotional and weak, «internal pillar» of a family, whereas man is an outer protector or «external pillar». In an example, it will be much more visible: "You are a girl, behave, it is a shame to drink!" vs. "You are a boy, you must not cry, even when you fall". Domestic violence may have direct and indirect costs. Direct costs are the services provided to support survivors of domestic violence and legal procedures of punishment of perpetrators. Indirect costs are human sufferings and less economic productivity of women.

Perception of DV in Armenia: Domestic Violence is an accepted norm of life for most of the families; especially it is inflicted on women and children. According to the statistics of one of the well-known pro-women organizations "Coalition to Stop Violence against Women "NGO, **50 femicide cases** were registered, and **5600 calls** were made by **women** to the hotlines of the women's rights organizations **from 2010-2017.** [59] These data appear to support the perception that there is domestic violence in Armenia, which is escalating because of the lack of the proper law on preventing it. Impunity for the killings of women is a global concern, especially in the Post-Soviet countries. According to many authors, the highest levels of femicide correspond to regions mostly with the highest rates of lethal violence. However, this is not the case with the Post-Soviet countries, many of which have disproportionally high level of femicide with respect to intentional homicide in the whole country. In 2015, Armenian security forces declared to have 447 domestic violence reports. In 2017, the statistics of DV escalated. By the way, this number does not consider those, classified either as "irreconcilable families" or those not reported at all. The main reason of underreporting is the fear and shame of opening the latency of the family issues. While protecting families from unauthorized interference, at the same time the impunity for violence should not be allowed, as it violates the rights of a specific family member based mostly on the **"tradition" of beating women**. There are even Armenian proverbs about the violence towards women. **"A woman is wool, beat more, get a softer woman", "Beaten by rose, beaten by husband", "If he beats you, he loves you".**

59 Coalition to Stop Violence against Women. www.coalitionagainstwomen.org. Accessed to 28 Oct, 2017.

In order to provide an effective protection for survivors of DV, the impact of all forms of domestic violence, taken separately or jointly, should not be underestimated.

International standards of combating domestic violence

This part observes international standards of the State's positive obligation to combat domestic violence under the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) of the Council of Europe. At the regional level, we will analyze the jurisdiction of the Council of Europe, which provides protection to victims of domestic violence under the Istanbul Convention. Additionally, we will analyze the main principles and ways of paving the way for the implementation of the Istanbul Convention. In the end, we will be acquainted with reservations of the Istanbul Convention made by Armenia when signing it.

Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of the Council of Europe.

Historical background of the Council of Europe as the leading human rights organization of Europe has been engaged in promotion of the protection of women against violence since the 1990s.[60] As a result, in 2002, the activities brought to the adoption of the Council of Europe Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence. The public campaigns to combat violence against women in the European countries in 2006-2008 had their impact on the situation too. Despite the fact, that many resolution and legally binding standards were defined on prevention, protection and prosecution of the gender-based violence, the National reports and campaigns still proved the need of general legal comprehensive standards to guarantee the realization of victims\survivors' rights and protection from violence everywhere in Europe.[61] In addition, as a result, the Council of Europe decided to set standards for prevention, protection and persecution of domestic violence against women. In December 2008, an expert group called CAHVIO was set up by the Committee of Ministers to work on the draft of the Convention to combat violence against women and finalize it in December 2010. ***The Convention on preventing and combating violence against women and domestic violence*** was adopted by the Council of

60 Council of Europe, Istanbul Convention, Historical Background, https://www.coe.int/en/web/istanbul-convention/historical-background. Accessed to 28 Oct, 2017.
61 Ibid.

Europe Committee of Ministers on 7 April 2011. It was opened for signature on 11 May 2011, on occasion of the 121st Session of the Committee of Ministers in Istanbul. It entered into force on 1 August 2014 following its 10th ratification by Andorra on 22 April 2014.[62]

Not only stalking, physical, psychological, sexual, economic violence and harassment by the intimate partners, but also destructive traditions like forced marriage, marital rapes and forced sterilization transform into a deep trauma for the abused people in their whole life. Unfortunately, it is accepted as a norm in the society that the overwhelming majority of victims and survivors are women. Besides, the female genital mutilation and forced abortion as forms of violence actually happen to a woman depicting the layers of a degrading treatment towards women all over the world. If we consider, that women are the main victims and men are perpetrators, we can consider it as much more specific structural violence based on a gender, where a man somehow passes through his self-realization like a representative of a male sex having much more physical power to control on a woman. All the above-mentioned is in the center of the Istanbul Convention as the most urgent issues to be solved.

Ground-breaking features of the Istanbul Convention in the international context: The Istanbul Convention entered into force only in 2014. Despite the fact, that only some of the CoE Member States ratified the Istanbul Convention (only 33 ratifications up to now), it remains the most comprehensive tool for holistic protection of women and provision of support to combat domestic violence. The main goals of the Istanbul Convention are to "***protect*** women against all forms of violence, ***prevent and prosecute*** violence against women and domestic violence." [63]Assistance to victims of domestic violence is also very important as a purpose of the Istanbul Convention. Actually, it is the proof that women are impacted by domestic violence disproportionately[64] and urges the Parties of the Istanbul Convention to pay particular attention to women while implementing the provisions of this Convention.[65] The Istanbul Convention does not only define the forms of domestic violence,[66] but also puts the responsibility on the Parties to protect women "in both public and private sphere."[67] After the signing of the Convention, the Parties have to design and implement gender

62 Ibid
63 Convention on Preventing and Combating Violence against Women and Domestic Violence, Article1. https://rm.coe.int/168008482e. Accessed to 28 Oct, 2017.
64 Ibid, Article 2(1).
65 Ibid, Article 2(2).
66 Ibid, Article 3(b).
67 Ibid, Article 4(1).

sensitive policies[68] including establishment of an official coordinating body[69]and allocation of financial resources.[70] Due to the Convention, the trainings for relevant state actors should be conducted,[71] gender related topics should be included into the formal education agenda[72] and awareness-raising campaigns should be organized.[73] The parties shall also take the necessary legislative measures providing adequate tools and mechanisms for productive cooperation between all relevant state agencies "in protecting and supporting victims and witnesses of all forms of violence."[74]

Paving the way for implementation of the Istanbul convention. The main principles of the Convention: The Istanbul Convention provides appropriate civil remedies not only against the perpetrator[75], but also "against the State authorities that have failed their responsibility to take the necessary preventive or protective measures within the scope of their powers**."**[76] Parties also have obligations to secure victims' right of claim of compensation from perpetrators[77] and if damage is not covered by a perpetrator, Parties shall award adequate State compensation.[78] The Istanbul Convention has also a **monitoring mechanism**[79] based on a two-pillar system**:** the aim of the monitoring mechanism of the Istanbul Convention is to assess and improve the implementation of the Convention by Parties. It consists of two interconnected bodies: **1.The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO),** which is an independent expert body**; 2.The Committee of the Parties**, which is a political body,

Reservations of the Istanbul Convention; Armenia: *On 18 January*, 2018 in Strasbourg, Mr. Paruyr Hovhannisyan, Ambassador, Permanent Representative of Armenia to the Council of Europe, signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). **Armenia** became the **45th member state of the Council of Europe to sign the Istanbul**

68 Ibid, Article 6.
69 Ibid, Article 10.
70 Ibid, Article 8.
71 Ibid, Article15.
72 Ibid, Article14.
73Ibid, Article13.
74 Ibid, Article18
75 Ibid, Article 29(1).
76Ibid, Article 29(2).
77 Ibid, Article 30(1).
78 Ibid, Article 30(2).
79 Ibid, Article 68(1).

Convention (CETS No. 210).[80] Unfortunately, Armenia signed the Convention with reservations. The Article 78 of the Istanbul Convention is about the possible reservations that the countries may not accept or partially accept when signing and ratifying the Istanbul Convention.*"*[81] ***In accordance with Article 78, paragraph 2***[82]***of the Convention the Republic of Armenia reserves the right not to apply the provisions of the Convention laid down in:***

- **Article 30, paragraph 2;**
- **Article 55, paragraph 1 in respect of Article 35 regarding minor offences;**
- **Article 58 in respect of Article 37;**

Article 30(1) of the Istanbul Convention proclaims about the necessary legislative or other measures done by the parties to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.[83] Armenia made a reservation on the **2nd part of the Article 30.**[84] Unfortunately, it is not a usual practice in Armenia to compensate the health, pecuniary and especially non-pecuniary damages to a victim because of the perception of the traditional family values, where the violence is not accepted as a breach of rights properly. The recently adopted law on prevention of violence in the Armenian family has come to prove it, as it is much more of a preventive character, than a law to prosecute an abuser. At the same time, the state takes the responsibility for a victim only through giving her a shelter, but not a compensation. In the Armenian patriarchal society, DV survivors may file a complaint against a perpetrator and then withdraw it themselves being afraid to be killed by their partners or changing their mind at the last moment and keeping the "traditional" Armenian family where they were beaten and adopted to such situations. The other reservation when signing the Istanbul Convention is the 1st paragraph of the Article 55 on regard of Article 35.[85] **Article 55** is about the ex parte[86]and ex officio[87]proceedings, and it mostly

80 Council of Europe,Convention on Preventing and Combating Violence against Women and Domestic Violence
https://www.coe.int/en/web/yerevan/home/-/asset_publisher/KZTSm796kFrq/content/armenia-signs-the-istanbul-convention?inheritRedirect=false. Accessed to 28 Oct, 2017.
81 Ibid, Article 78.
82 Ibid, p 2.
83 Ibid, Article 30(1).
84 Ibid, Article 30(2).
85 Ibid, Article 35.
86 Wikipedia. Ex parte,. https://en.wikipedia.org/wiki/Ex_parte. Accessed to 28 Oct, 2017.
87 Collins Dictionary, Ex Offisio, https://www.collinsdictionary.com/dictionary/english/ex-officio

concerns the responsibility of the parties to ensure that investigations or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be completely dependent upon a report or complaint filed by a victim. **The proceedings may continue, even if the victim withdraws her or his statement or complaint.**[88] The reservation of this Article means the following: if a woman applies to the police and files a complaint in case of physical violence with minor offences towards her from a family member and then changes her mind, and withdraws her complaint, then the Government is not going to interfere and punish the perpetrator by any legislative act within the National Law of Preventing the violence in the family and the possibility of DV against the applicant. Therein, the atmosphere of impunity for the abuser is created. Though there is a legislation for prevention of family violence in Armenia, unfortunately it is not criminalized. **Article 37** is the basis of another reservation by Armenia regarding the forced marriage issue. The main point of this article is to take the necessary legislative mechanisms through criminalization for the forced marriage of adults and children.[89] In case of forced marriages of children and adults, which is still actual in Armenia, especially in the regions, the Statute of limitation under the **Article 58**[90] *is reserved.* This implies that according to this reservation, in case of child marriage as an offence, the court can take into consideration the words of the victim as a proof without any doubt based on the age of the victim waiting for her\his majority. According to the general reservation possibilities, there may be two more, but Armenia accepted all other articles.

Compliance of Legal Framework ofArmenia to the International and Regional Obligations

In this chapter we will get acquainted with the Armenian reality of acceptance DV and the adoption of the law on preventing family violence in Armenia. We will find out the gaps of the newly adopted law on Prevention of Violence in the family and simultaneously we will also analyze the legal aspects of DV in several post–Soviet countries to find the similarities and difficulties in the legal development of the chosen countries. And in the end,

88 Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 55(1),https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c

89 Ibid., art. 37. Accessed to 28 Oct, 2017.

90 Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, Art.58

we will make recommendations to the Armenian Government on the improvement of the newly adopted law on prevention of violence in the family.

The procedure of adoption of DV legislation in Armenia: The non-governmental organization (NGO) sector of Armenia had been advocating for adoption of legislation on domestic violence since 2009. Nevertheless, this bill of law was stuck between the National Assembly and the Government of Republic of Armenia for so many years till it was finally adopted in 2018. Representatives of civil society together with the Ministry of Justice had amended the draft several times, but the Government refused to send the draft to Parliament in 2013. The civil society organizations (CSOs) sent the amended version of the bill to the Government and National Assembly in November 2014. Since then, a few MPs held meetings with representatives of civil society discussing the draft. Although members of the ruling party agreed to cooperate in the final phase of the amendment of the draft, nothing has been done in this direction. While the situation changed when the European Union offered Armenia human rights budget support for 2017 but with the only condition to adopt the law on domestic violence in 2016.[91]

Chorography of the adoption of the law against DV in Armenia: The number of cases of domestic violence reported by non-governmental organizations shows the lack of awareness and understanding of "illegality" of a domestic violence issue. RA Police and Ombudsman also confirm this fact in the country. According to the official data on DV, throughout 2010-2017 50 women died, because of domestic violence in Armenia.[92] Armenia's first femicide report records the death of women killed by intimate partners and family members from 2010-2015 and sheds light on acts of violence that are uniquely experienced by women in Armenia. 17 new cases of femicide happened in different regions of Armenia from 2016-2017. The scale of murders of women in their own houses has been escalated. Law "On the Prevention of Domestic Violence and protection of Domestic Violence victims" in Armenia was drafted by non-governmental organizations in cooperation with the government in 2009 and was presented to the Armenian Government in 2010. The proposed draft legislation included preventive measures to reduce the number of criminal cases related to domestic violence through the establishment of a referral and

91 Delegation of the European Union to Armenia, Newsletter, 21 October 2016, http://eunewsletter.am/law-on- gender-based-violence-cso-government-discussions/. Accessed to 28 Oct, 2017.
92 Coalition to Stop Violence against Women NGO, http://coalitionagainstviolence.org. Accessed to 28 Oct, 2017.

protection mechanism throughout the country, such as establishing hotlines and allocation of premises to shelter victims and other services. However, Armenian Government rejected the Law on Domestic Violence in January 2014. Despite the rejection of the draft law on Prevention of Domestic Violence, the necessity of adoption of a comprehensive separate legislation on domestic violence was recommended during 21st Universal Periodic Review of Armenia in January 2015. In particular, the States encouraged the Government and National Assembly of Armenia to pass legislation that would enable to more fully comply with its international human rights obligations, and implement comprehensive legislation to effectively combat the widespread cases of violence against women and offer further protection to victims of domestic violence. In order to fill the above-mentioned gaps, the Government of the Republic of Armenia emphasized the need for effective legal mechanisms for preventing and responding to domestic violence in line with international standards in the paragraph 40 of the Action Plan on the Human Rights Protection National Strategy, which the RA approved on February 27, 2014. So the draft law of the Republic of Armenia "On the Prevention of Domestic Violence and Protection of the victims of Domestic Violence" (the draft) was redeveloped. During the development of the draft, the international experience was taken into consideration and it was in the website of the Ministry of Justice of RA, and it is in the public discussion level now. 10 days later, all comments to the draft were reviewed by the Ministry of Justice, and the final draft was sent to the Government of RA. After all, there was a voting either in favour or against the law in the National Assembly of RA and the results would be known in December. Moreover, on December 12, 2017 it was adopted. The law came into power on June 31, 2018. Therefore, as the law has already been adopted, the State has to establish shelters and maintain their operation. When rejecting the law for several times, the Armenian government in justification of refusal to adopt a specific law against DV, mainly used the lack of state budget. The situation changed when the EU offered the financial support to Armenia for state shelters if Armenia adopted the DV legislation. Nevertheless, it was not so easy to adopt this kind of legislation in the patriarchal traditional country where violence against women is considered a common thing. There were public discussions on the adoption of the law for several times organized by the Ministry of Justice. There were 3 parties involved in the discussion: 1. the NGO sector who promoted to the adoption of the law and created the draft, 2. the quasi-opposition in the face of pro-

Russian financed GONGOs[93], 3. the Government itself. The first group have realized how much we need this law, especially for women and children in Armenia. In view of quasi-opponents' concerns about juvenile justice within this law, the civil society advocates for the adoption of the law insisting that there may not be a link between the law and taking the children away from the family, intervening into the family, as parent-child relationship and even more, the order of depriving the parent from his/her parental rights has already been regulated through another article in the family code of RA.[94] Whereas the quasi-opponents tend to be more concerned with panic on the new coming law, the human rights organizations have a very definite perception of reality and they express their concern over in the importance of criminalization of the law, which is not supposed to happen at this stage of adoption. Thus, this reality creates the atmosphere of impunity for perpetrators, and if the prevention of DV fails, the woman will remain in danger, as a perpetrator will just get fined for 150,000 AMD and after all he will be free and most probably will try to hurt a woman motivated by revenge. [95] It is believed that the existing legislation, which is not criminalized, is incapable of responding adequately to emerging challenges. It does not provide effective legal remedies for the prevention of domestic violence and for the protection of victims of domestic violence. The activities of state bodies, carrying out such functions, do not suggest any systematic regulation. The right of access to justice is not guaranteed to all victims of domestic violence, in some cases due to the gaps in the law, it is not possible to ensure the safety and protection of persons under threat of domestic violence, centralized accounting, for which we will present our recommendation to the Armenian Government to improve it.

The gaps of DV legislation of Armenia: On November 16, 2017, with the Government decree 1433-A the draft law ***"On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion"*** was adopted by the Armenian Government. Not surprisingly the adopted version of the Law was partially another law with other name and with many significant changes in the content done in comparison with the previous draft of the same Law entitled ***"On the Prevention of Domestic Violence and the protection of victims of domestic violence" and package of related draft laws of RA.*** Many

93 GONGO - A government-organized non-governmental organization.
94 Family codeof RA., art. 59, http://www.ilo.org/dyn/travail/docs/959/Family%20Code%20of%20the%20Republic%20of%20Armenia.pdf. Accessed to 28 Oct, 2017.
95 Criminal Code of RA, art.118, https://www.unodc.org/res/cld/document/armenia_criminal_code_html/Armenia_Criminal_Code_of_the_Republic_of_Armenia_2009.pdf. Accessed to 28 Oct, 2017.

improvements were done in the law due to the NGO sector. The examples are: the inclusion of the notion of the forced abortion as the manifestations of psychological violence on women; neglect as a type of domestic violence; the formulation of rehabilitation programs and the indication of their application mechanisms; social worker's involvement in the work with the perpetrator and the survivor of violence; defining the possibility of extending protection orders twice; clarification of the factual circumstances of the case ("ex officio") by the Civil Court in case of protection orders.

However, the newly adopted law has serious weak points too that affect its effectiveness.

1. The term **"Domestic Violence"** was replaced by the term of **"Violence in the Family"**[96], while "Domestic Violence" has its own unique place and meaning in international public law, being used in international legal instruments, including international treaties and conventions ratified by the Republic of Armenia and their general recommendations[97]. It is legally not acceptable that it was replaced by a weaker terminology, as even in case of the best interpretation, "Violence in the Family" cannot express the international legal content given to domestic violence, through weakening the scope and effectiveness of the usage of the law in the individual decisions, regional legal instruments, the case law of the European Court of Human Rights, Council of Europe resolutions and other documents.

2. Adoption of a destructive component of **the restoration of family cohesion**[98] as a goal of the law changes the main mission of the law from the protection of the victims to the restoration of cohesion. First of all, **"Cohesion"** is a term of individual and subjective perception. It can be interpreted as the demonstration of reconciliation with the perception of violence itself applied by a husband against wife. We believe that the inclusion of the restoration part within 2 people who are actually in non-equal condition contradicts the principle of legal certainty of the law. In addition the right of a person as superior value fixed in the National Constitution Article 3 is subordinated to the "family cohesion", which is subjectively judged and the victim is blamed by other members of the society.

96 Law *"On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion", RA (translated from Armenian into English by me).* http://www.arlis.am/. Accessed to 28 Oct, 2017.

97 UN Committee on the Elimination of Discrimination against Women (CEDAW), CEDAW General Recommendations No. 19 and 33.

98 Law "On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion", RA (translated from Armenian into English by me). http://www.arlis.am. Accessed to 28 Oct, 2017.

3. In this context, we should realize that the application of institute of **mediation**[99] is also problematic in the new law of preventing violence in the family. The international norm of mediation was localized into the Armenian reality as a best experience. Nonetheless, it should be taken into consideration that the application of the institute of mediation will work effectively only in case of equality of the parties, which definitely lacks the relationship between a perpetrator and a victim/survivor of DV. In its General Recommendation 33,[100] the UN Committee on the Elimination of Discrimination against Women has also provided its opinion on how problematic and ineffective is the function applied by the institute of mediation in cases of domestic violence.[101] The paragraph 1 of the Article 48 of the Istanbul Convention is also prohibiting the mandatory alternative dispute resolution processes.[102] Moreover, in the law the term **"reconciliation"** is used instead of *mediation,* which demands quite another amendment, as the RA Civil Procedure Code defines them clearly in different manners. In the law the rules of mediation are not applicable, and even in case of the reconciliation, it should be carried out by the supporting centers as the experienced authorized bodies used to work with victims. The Article 10 or the law ***"On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion"*** gives all the conditions of the reconciliation.[103] Hence, we can see from the aforementioned Article 10 of the law that the reconciliation may be by the will of the perpetrator too. It means that in case of pressure on victim of the violence and some latent forced agreement for it, the violence may continue, as the parties do not have equal opportunities when we speak about the perpetrator and the victim. There is still a threat of repetition or continuation of violence. Moreover, even if there is a danger of violence against the victim, family reconciliation is considered to be more important than assuring the safety of a family member and the public authority. In this law, the function of the authority is given to the Support Centers of DV survivors to carry out the "reconciliation" process in the presence of an application. It does not only comply with the rules of logic,

99 Ibid

100 UN. CEDAW, Art. 33, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en. Accessed to 28 Oct, 2017.

101 UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendations No. 33, par 58. Available from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&. Accessed to 28 Oct, 2017.

102 The Council of Europe , The Istanbul Convention, Article 48, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c. Accessed to 28 Oct, 2017.

103 Law "On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion", Article 10.RA. (translated from Armenian into English by me) ,http://www.arlis.am. Accessed to 28 Oct, 2017

but also contradicts the positive obligations of the state under RA Constitution and numerous international treaties, that is to protect the lives, security and personal integrity of its citizens.

4. Article 2 of the Law prescribes the principles for prevention and protection of victims of violence within the family through strengthening "traditional values".[104]

The article states, that strengthening traditional values in the family and the restoration of family cohesion is one of the principles of prevention of domestic violence and the protection of the victims of domestic violence, while it does not correspond to the principle of legal certainty, as the definition of **"traditional values"** is not present in any legal RA document. The term «traditional value» is not even a legal category, so that it won't be possible to measure it in terms of the law-enforcement practice, as it is mostly based on the subjective perception. Besides there is no general approach as a principle to combat violence and in each case, it is going to depend on the personal characteristics, level of legal awareness, the degree of education, and other circumstances may also be taken into consideration. For many people the meaning of the traditional values is quite different, which, in practice will result in a violation of the principle of legal certainty and violation of a number of fundamental human rights.

It also does not comply with the international principles of human rights protection and international commitments of Armenia under article 5, paragraph a) of the United Nations Convention on the Elimination of All Forms of Discrimination against Women[105].

5. In the ***Article 3, Part 2, paragraph 3,*** psychological violence is defined as intentionally inflicted severe mental suffering, including a **real** threat of physical, sexual or economic violence….Definitely, for a violent act to be considered as a violence, threats should be serious and not humorous or unrealistic. However, it may have some risks for the victim not to be able to prove the existence of the psychological violence and it may be an excessive burden for that person. Similarly, women living in violence are mostly incapable to have protection within the framework of ***Article 137 of the Criminal Code of the Republic of Armenia***[106] for years because it is difficult to prove the real danger of threats of murder.

104 Law "On the Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion", Article 10.RA. (translated from Armenian into English by me), http://www.arlis.am. Accessed to 28 Oct, 2017.

105 UN. CEDAW. ***Article 5***. https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf. Accessed to 28 Oct, 2017.

106 Criminal Code of RA, ***Article 137***: https://www.unodc.org/res/cld/document/armenia_criminal_code_html/Armenia_Criminal_Code_of_the_Republic_of_Armenia_2009.pdf, Accessed to 28 Oct, 2017.

6. The restriction of the timetable schedule of the perpetrators with their children was erased from the Law, which is unacceptable. This restriction is necessary in the law for eliminating the threats to the lives and health, visiting a child may be a very good moment for the abuser to realize the threats towards the victim.

7. In the framework of the protection order, the provision on having a temporary timetable for a visit to their children was withdrawn from the Law, which is not in favour of a child at all. Prohibiting the visit of a parent and a child is not acceptable as, regardless of the fact, that violence has been practiced in a family, children have the legal right to communicate with their parents.

8. The legal regulation for disclosing the location of the shelter is not complete in the Law. The survivors of domestic violence and persons under their care shall also be the subjects in case of shelters, as the information on the confidentiality of the shelter location is disclosed by the aforementioned persons.

According to statistics presented by the Investigative Committee of RA:[107]

2016– 452 cases of DV against women
2015 – 784 cases of DV against women
2014 – 575 cases of DV against women
2013 – 500 cases of DV against women
2012 –625 cases of DV against women

The procedure of adoption of DV law in the post-Soviet countries Georgia and Ukraine: After reviewing the Armenian reality of perception of DV and the law on DV, let's also analyze the procedure of DV laws of some post-Soviet countries to find out possible similarities and differences.

GEORGIAN EXPERIENCE: First, let's have a reflection on the ***Georgian experience on the adoption of DV law***. Tamar Dekanosidze, the Strategic Litigation Lawyer of the Georgian Young Lawyers Association (GYLA) has had a comprehensive reflection on the legal reforms and policies on combating domestic and gender-based violence (GBV) in Georgia since 2006. From the conversation with Tamar we found out that all the legislative and policy developments have been directed towards combating gender-based violence and domestic violence in Georgia over the last decade. She introduced 3 main phases of the procedure of the legal

107 Investigative Committee of RA., Statistics., http://investigative.am/en/department-of-investigation-committee/information-departament.html. Accessed to 28 Oct, 2017.

improvements in Georgia***: Phase 1: as the development of legislation on DV- 2006-2013***. This was the year when Georgia adopted the ***Law on the Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence*** started in 2006. ***Phase 2 - 2014-2016 and Phase 3- 2017 up till now***. By this law the state policy outlines the measures to respond to domestic violence and to provide assistance to the victims. Though initially the law was chiefly on domestic violence, the law is now reformed covering not only all forms of violence against women, but also gender-based violence outside of the family environment. The law was transformed in 2017, the scope of the law was changed, the name was also modified to the ***Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims.*** In 2010 the Law on Gender Equality came into force, which however, was more of a declarative character, outlining that women and men had equal rights in all spheres of public and private life. This law lacks any enforcement mechanisms. The more remarkable achievement of this phase took place in 2012, when domestic violence became a distinct crime under the Criminal Code of Georgia, defining the scope and categories of the crime. Criminal Code of Georgia, Article 126 on Domestic Violence says: "Violence, regular insult, blackmail, humiliation by one family member of another family member, which has resulted in physical pain or anguish and which has not entailed the consequences provided for by Articles 117, 118 or 120 of this Code, - shall be punished by community service from 80 to 150 hours or imprisonment for up to a year". [108]

While in 2012 a very important development in the discourse of combating DV and VAW was adopted in the Criminal Code of Georgia: which is the recognition of discriminatory motives when committing a crime as an aggravating circumstance. This was a very vital development in combating DV and discrimination on the ground of sex, race, religion, etc. And this change was mostly important for women who were subordinated as women and the crimes against them were mostly discriminatory.

The second phase of the DV law of Georgia (2014 - 2016), which started in 2014, was a very significant year in the process of combating VAW and DV. In 2014 an alarming number of women were killed by their husbands, ex-husbands and partners,[109] which was covered actively by mass

108 Criminal Code of Georgia, Article 126[1]. https://matsne.gov.ge/en/document/download/16426/157/en/pdf. Accessed to 28 Oct, 2017.

109 "Combating violence against women in Armenia and Georgia: Sharing experience and strategizing on further cooperation". P. 9, ***http://coalitionagainstviolence.org/en/publication-en/.*** Accessed to 28 Oct, 2017.

media and it was a shocking reality for the general public in raising their consciousness.

Even though there was a special law on DV law already adopted in Georgia it was not practiced, as it was not seriously taken either by the governmental bodies or by the society. And after 2014 when it turned out that during the whole year, in total 34 women were killed and 25 out of these crimes were committed by husbands, ex-husbands or partners, the situation changed. Only then had the public realized that VAW in the form of DV is a serious issue in Georgia to be addressed and solved. The ethical coverage of DV issue had a great role in the process of awareness raising of the society.

In 2014 the UN CEDAW and UN Human Rights Committee were quite attentive to the situation on the alarming scale of escalation of violence against women in the whole territory of Georgia. So they gave recommendations to Georgia on that reference. In fact, the Government of Georgia was obliged to take some proactive steps to combat the escalating violence.

2014 was really a crucial year from the perspective of women's rights as another very crucial thing happened, i.e. the ***Law on the Elimination of All Forms of Discrimination*** was adopted. This means that so far discrimination on the an basis of sex, sexual orientation and gender identity has been anymore prohibited. This law can be a good tool to be used by women to fight gender-based violence as a form of discrimination, while without awareness raising on the content of the law there are still no such incidents of the usage of this law. All these major achievements promoted the recognition of the problem of domestic violence as an issue to be solved by the law enforcement bodies. And afterwards the law enforcement bodies wouldn't be able to justify the refusal of the start of the investigation and prosecution of domestic violence cases concerning them as a private family matter.[110]

The third phase (2017, ongoing) of legislative and policy developments commenced in 2017 and was marked by the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in May 2017. Based on the Istanbul Convention, over 20 laws were amended in Georgia to bring domestic legislation in compliance with the Convention (amendments were enacted on 1 June 2017).

110 Ibid.

The Law of Georgia on Elimination of Violence Against Women and/or Domestic Violence, Protection and Support of Victims:

The Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims (2006) (the Law) was aimed to protect women from all forms of domestic violence, i.e. ***violence which occurs within the family environment*** providing a very broad definition of the term "*family member*s".[111] However, after the amendments of 2017 the Law now covers all types of gender-based violence against women both within and outside the family environment.

Provisions that came into force as a result of Istanbul convention:

- Recognition of discrimination based on gender and gender identity (Art. 531 of the Criminal Code) and crime committed against a family member as an aggravating factor (discrimination based on sex was recognized in 2012).
- Criminalization of Stalking, Female Genital Mutilation, Forced Marriage, and Sterilization without Consent.
- Amendment of the articles on rape and other forms of sexual violence.
- Provision of restraining and protective orders by the law to not only domestic violence victims, but also to all women victims of gender-based violence.

The Law abstracts the following forms of violence: physical, psychological , sexual, economic, coercion, neglect. The Law includes criminal, civil and administrative law mechanisms as protection and prevention tools for women from DV and VAW. Restraining and protection orders are the two most urgently needed administrative law mechanisms envisaged by the law. In fact, these orders prohibit a perpetrator to approach or contact a victim for prevention of the repetition and the escalation of violence. Both orders conceive the possibility of removal of an abuser from home that is shared with a victim and it doesn't matter whose home it is.

- Restraining order comes into force immediately up to 1 month once it is issued by the police.
- Protection order being similar to restraining order still differs and it must be issued by the court coming into force for up to 6 months and having the possibility of prolongation up to 3 months.

111 Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims. https://matsne.gov.ge/en/document/download/26422/2/en/pdf. Accessed to 28 Oct, 2017.

Violation of the conditions of the restraining and protection orders results first administrative and then criminal responsibility. These mechanisms can be applied simultaneously with criminal law mechanisms if the violence reaches the level of criminal offence. It is prominent that reconciliation does not necessarily lead to annulling of the mentioned orders. While the support and rehabilitation services and shelter, are available under the Law only for the victims. All the services conceived by the Law are applicable, once a woman gets the status of a victim granted by the Victim Identification Group. The restraining/protection order is issued or when a woman is recognized as a victim in criminal procedure. Even the Law provides redress and reparation mechanisms from the abuser, however, the state compensation mechanism for the victims of DV and VAW will enter into force only from 2022 because of the current lack of state finances for the realization of this mechanism. From the conversation with Tamar Dekanosidze, the following statistics was fixed. Due to all the above-mentioned improvements, we can see the change of policy leading to an increasing access to justice for DV since 2014:

Protection orders:	***Restraining orders:***	***Prosecutions under Ar. 111 (domestic crimes) and 1261 (domestic violence) of the Criminal Code:***	***Reports made through police hotline "112" on domestic violence/ domestic conflicts:***
2014 – 87 orders;	2014 – 902 orders;	2014 – 350 prosecutions;	2014 – 9260 reports
2015 – 173 orders;	2015 – 2726 orders;	2015 – 728 prosecutions;	2015 – 15910 reports
2016 – 179 orders;	2016 – 2877 orders;	2016 – 1356 prosecutions.	2016 – 18163 reports.

Georgia has still challenges in the legislation: None of the laws recognizes WAV as a genuine form of discrimination against women, VAW implies GBV, but the law is not wide enough to explicitly cover violence committed in LBT relationships (outside family), psychological violence outside family is not criminalized, rape and sexual violence provisions are still not in full conformity with the Istanbul Convention, femicide is absent as a separate crime or as an aggravating circumstance, sexual harassment is not punishable, included as forms of violence in DV law.

The challenges in the implementation of the legislation: in gender-sensitive investigation and punishment of femicide, related to dealing with femicides as isolated incidents, not as systemic issues, in adequate classification of crimes, in investigation of discriminatory motive, in adequately defining mitigating and aggravating circumstances.

Ukrainian Experience: Ukraine was declared as an independent country from the Soviet Union in 1991. The Ukrainian Constitution is the main principle of the governing law in Ukraine affirming Ukraine's commitment of the protection of human rights. The most prominent Article is the Article 3, which is generally in the constitutions of several post-Soviet countries concerning human beings, her or his dignity, inviolability and security are recognized to be the highest social value. Gender-based discrimination is prohibited by the Article 24 of the Ukrainian Constitution, which gives warranties for the freedom from all kind of discrimination on the ground of sex.[112] This Article states that equality of the rights of men and women is ensured by providing women with opportunities equal to those of men in different spheres of life: in public, political and cultural activity, in professional training, at work, in case of wages. The article also includes a reminder of creating conditions that will allow women to combine work and motherhood. It may be possible through the investment of legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers.[113] Constitution of Ukraine also guarantees equal rights and obligations for both sexes in the family and in marriage.[114] 2005 was prominent for Ukraine as the National parliament adopted the law ***"On Ensuring Equal Rights and Opportunities for Women and Men"*** the so-called Gender Equality Law, which came into force on January 1, 2006.[115] However, Gender Equality law prohibits "discrimination on the ground of sex" and gives women a chance to sue a perpetrator for pecuniary and moral losses, on the grounds of discriminatory treatment towards women such as sexual harassment. Nevertheless, the scope of liability of the discriminative approach is still not very well defined. According to pro-women NGOs in Ukraine, the law is a kind of a declarative nature and is not prescribed for helping women to enforce their rights and protect themselves in the courts.

112 Constitution of Ukraine 2004, Art 24,.https://www.legislationline.org/documents/section/constitutions/country/52. Accessed to 28 Oct, 2017.
113 Ibid.
114 Ibid, Art 51.
115Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" No. 2866- IV (September 8, 2005)

In 2013, the Government of Ukraine approved a State Program (2013-2016) on Ensuring Equal Rights and Opportunities for Women and Men. Before that, there was no gender equality program on a national level. Besides, there was no budget for any kind of gender equality activities.[116] Only after 2014, there were governmental funds for the above-mentioned program. The program combats several factors, which promote the inequality between men and women in Ukraine, at the same time advocating for women's participation in the labour market in compliance with European standards, and adopting a national gender equality legislation being committed to the European and international norms. Despite the fact, that the Ukrainian government was not so actively engaged in the development of a comprehensive gender policy, the NGO sector was very active. The consortium of 22 Ukrainian women's NGOs made very important observations on the gender equality issues for the sixth and seventh periodic reports of Ukraine to the CEDAW Committee. It referred to the traditional perception of gender roles limiting the opportunities for women's development and full realization, which mostly resulted in discrimination in the house, labour market, etc.[117] There are specific barriers to achieving full equality for women in Ukraine, such as: "lack of political will" to enjoy gender equality; non-equal representation of women in public and political life; anti-gender movements promoting negative gender stereotypes and the Soviet mentality educational system; a "high level of gender segregation in the labour market; lack of public "legal" awareness on their rights not to be discriminated or violated, and mostly in cases of domestic violence.

Domestic Violence against women is estimated to form at least 90% of reported cases of violence in Ukraine, but even after this scale of violence towards women, only 1 out of 4 women who have been survivors of domestic violence have sought support from the legal system.[118] ***On November 15, 2001,*** domestic violence law titled ***"On Prevention of Violence in the Family" was*** for the first-time ***adopted*** in Ukraine***.*** [119] The

116 Ukraine: National Review of the Implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly(2000) in the context of the twentieth anniversary of the Forth World Conference on Women and the adoption of the Beijing Declaration and Platform for Actions 2015, April 2014.

117 Women's Consortium of Ukraine, "Alternative Report on the Implementation of the UN Convention on the Elimination of all Forms of Discrimination Against Women in Ukraine," 44, 46 (2008), available for download at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=UKR&Lang=EN. Accessed to 28 Oct, 2017.

118 UNDP, "UN Resident Coordinator Speaks at the Parliamentary Hearings 'Equal Rights between Men and Women," October 16, 2013, http://www.ua.undp.org/content/ukraine/en/home/presscenter/speeches/2013/10/16/address-of-the-un-resident-coordinator-parliamentary-hearings-equal-rights-between-men-and-women-problems-and-measures-for-effective-solution-. Accessed to 28 Oct, 2017.

119 Law of Ukraine *"On Prevention of Domestic Violence,"* No. 2789-III (15 Nov. 2001). https://www.legislationline.org/documents/action/popup/id/5052. Accessed to 28 Oct, 2017.

law allows survivors of violence in the family to file a civil report of domestic violence. After, it is possible to apply for a protection order or file a civil claim against the abuser for pecuniary damages. The law specifies domestic violence as "any intentional action committed by one family member towards another family member which violates the constitutional rights and freedoms of the family member and causes harm to his or her physical, mental or moral health."[120] The law identifies and defines several types of domestic violence: Physical violence, Sexual violence, Psychological violence, Economic violence.

Nonetheless, according to the Article 15 of the law, in case of criminal, administrative and civil penalties for domestic violence, perpetrators of domestic violence still get only administrative penalties.[121] They must provide up to one month of corrective labour with a 20% salary deduction, or they may receive up to five days of administrative arrest.[122]

The law is making **a victim blaming** through punishing victims for "provoking" the act of domestic violence. The police treat survivor women the same way making double victimization of a woman. That is why the Ukrainian activists criticize the law, despite the efforts of the government to raise awareness on the new legislation. Victims can even get warnings for "provoking" violence. They may not even give the rights to have a protective order after being warned for 3 or more times.[123] In this way, the victim was twice victimized also by the state bodies, which means that the law is not victim-centered. In 2004, the police of Ukraine estimated 6832 warnings.[124]

On November 7, 2011, Ukraine, as the 17th member state of the Council of Europe, made a step to sign the Convention on preventing and combating violence against women and domestic violence.[125] Ukraine should ratify the Istanbul Convention according to the Council of Europe's 2011-2014 Action Plan for Ukraine, involving a comprehensive analysis of current domestic legislation of Ukraine on violence against women.[126] Up to date

120 Ibid., art 1.

121 Ibid., art 15.

122 Ukraine Code of Administrative Offenses, art. 172-3, http://www.wipo.int/wipolex/en/details.jsp?id=6174. Accessed to 28 Oct, 2017.('Committing domestic violence, violation of protective order, non-participation in corrective programme').

123 Law of Ukraine "On Prevention of Domestic Violence," No. 2789-III, Art. 11 (Nov. 15, 2001),https://www.legislationline.org/documents/action/popup/id/5052. Accessed to 28 Oct, 2017.

124 VAW Monitoring Program Country Monitoring Reports and Fact Sheets, "Violence Against Women: Does the Government Care in Ukraine?," Open Society Institute, 25 (2007).

125 Council of Europe, "Chart of signatures and ratifications to the Convention on preventing and combating violence against women and domestic violence (Status as of: 6/12/2013)," http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG. Accessed to 28 Oct, 2017.

126 Council of Europe, Office of Director General of Programs, "Council of Europe Action Plan for Ukraine 2011-2014," https://wcd.coe.int/ViewDoc.jsp?id=2117481. Accessed to 28 Oct, 2017.

Ukraine has not ratified the Istanbul Convention. And when in 2013, the Ukrainian Cabinet of Ministers submitted to the Parliament the bill "On Preventing and Combating Domestic Violence," as a step of harmonizing the legislative framework of Ukraine in compliance with the Istanbul Convention, the Parliament of Ukraine had not approved the legislation as of August 2014.[127] Unfortunately, instead of using the protection and prevention mechanisms of the Istanbul Convention the Parliament of Ukraine amended the Ukrainian Code of Criminal Procedure in 2013 aiming to prevent law enforcement bodies from removing a perpetrator from the house for "more than three hours". This was a Damocles sword for women and children survivors of violence, putting them at risk every moment after the three hours of detention of an aggressive perpetrator.[128] This new provision of the Criminal Procedure Code contradicts to the requirements of the Code of Administrative Offenses, which allows police to administratively detain a domestic violence abuser for up to five days.[129] Despite the enactment of the 2001 Domestic Violence law, there is still prevalence of DV as a serious and widespread problem in Ukraine. As described by women's NGOs in Ukraine: there is the tendency in Ukraine not to speak up, but to hide the problem of family violence, as a "family issues" reason, through suppression of the real information and ignorance of the appeals of suffering women. The important role in the situation have the deeply rooted discriminative stereotypes, which should be broken, as, even if the legislation on DV were perfect, it would not work until the violence is considered as a private issue and not a social problem.[130] Here we are coming upon a phenomenon of underreporting as an indication of the ineffectiveness of the criminal justice system. In 2014, the UNFPA issued the results of a victimization survey for Ukraine conducted by GfK Ukraine through face-to-face interviews with a representative of ***1,606 women*** from across the country. The survey showed that every sixth woman in Ukraine has experienced at least one form of inmate partner violence within the last 12 months.[131] Estimated on a national level, the UNFPA results show that in a year in Ukraine, approximately 1,85 million women aged 15-49 experience physical, psychological, and/or sexual violence from their partner, and nearly ***880,000*** women of those ages have already passed through sexual violence from a partner or a non-partner at least once

127 Ukraine: National Review, supra n. 26, 27.
128 Ibid., 28.
129 Ukraine Code of Administrative Offenses, art. 172-3.
130 Women's Consortium of Ukraine, supra n. 36, 42-43.
131 Inna Volosevych, et al., The Prevalence of Violence Against Women and Girls (Kyiv: UNFPA, 2014).

in their lifetime. There were no Comprehensive information and statistics on prevalence of domestic violence in Ukraine until the European Union (EU) and the United Nations Development Program (UNDP) published a study called "Assessment of Ukrainian National System of Prevention, Response and Combating of Domestic Violence" analyzing the domestic violence legislation forensic medical expertise in Ukraine in 2009.[132] The main findings of the study is the ineffectiveness of the police work and responsiveness to the survivors, no efficient system to rehabilitate the abusers, not enough service centers. Besides that, the presence of the perpetrator in the house provokes and creates the hostility and aggression, and in the end the victim, mostly women have to look for a shelter. Women mostly go to pro-women organizations for help. Though there are 3 shelters in Ukraine, there is still an issue of their non-correspondence e to the provision of CoE. The lack of shelters is another issue. Though there were 22 service centers in 2014 for social and psychological help, 9 centers for psychological and legal help, it is unclear whether they correspond to the norms of the domestic violence law.

Up till now "The International Women's Rights Center La Strada Ukraine" operates as the country's only hotline help for women survivors from DV, but it does not operate 24 hours a day.[133] According to Inna Volosevych, ***21,6% of women of 15-49 years old*** forming approximately ***2,400.000*** women, were abused in their lifetime, and ***16,7% of women of 15-49 years old*** forming approximately ***1,850.000*** women, were abused in 2016 in Ukraine. Moreover, in the same year, ***28,547*** calls were received by La Strada Ukraine NGO, and ***90%*** of them related to the ***domestic violence***.[134]

132 Ukraine, National Gender Machinery, "Ineffective legislation, police officers' indifference and complicated legal procedures impede efficient system of domestic violence prevention and combating in Ukraine, a new UNDP-led study"

133 Women Against Violence Europe (WAVE), "Country Report 2013: Ukraine."

134 DCAF and La Strada- Ukraine, Criminal Justice Practice and Violence against Women, Kyiv, 2018, p. 33.

Conclusion

Domestic violence against women is one of the most common human rights violations ever in the whole world. It cannot be justified in any case, thereby being the main obstacle to come over by women for achievement of gender equality. According to the international human rights law, domestic violence, by no means, could be accepted as a private issue. All forms of domestic violence must be condemned and all abusers must be persecuted. The responsibility of taking necessary measures to prevent the violence, protect victims and persecute perpetrators is on the state actors. From the analyses above, we witness that even if there is still a large scale of DV in Georgia, it is still the most modern and legally developed country on gender issues from the targeted countries of this paper. Ukraine is still on the way of developing and has a long way to be called a gender sensitive country. In addition, Armenia will hopefully come to the point of accepting the word "Gender" and be able to ensure the safety and rights of all citizens despite their gender. Armenia after being separated from the Soviet Union and being announced as an independent Republic, signed and then ratified several human rights conventions, due to which the State undertakes the responsibility to treat individuals under its jurisdiction according to international standards. Although the documents submitted to international human rights bodies indicate the readiness of the Government of the Republic of Armenia to comply with its international obligations, the current situation proves that not much progress has been registered concerning domestic violence so far. Moreover, the lack of governmental support to victims of domestic violence, the lenient sentences of perpetrators, the zero-gender sensitivity of representatives of law enforcement bodies and judicial system, the incomplete and defective implementation of programs and projects aiming to improve conditions of victims, reveal that Armenia is quite far from total compliance with international standards of combating domestic violence. State policy to combat domestic violence and amend the legislation should be based not on a budget supported by foreign donors, but on the perception of the problem, its prevalence and consequences and on the strong political will to eliminate all forms of violence against women.

Recommendations to the Government:

Based on the above-named gaps, we ***recommend the State to*:**

1. bring the previous name of the Law back using the internationally applicable term ***"domestic violence"*** instead of non-inclusive ***"family violence";***
2. withdraw the expression ***"strengthening the traditional values in the family and restoring family cohesion"*** from the 2-nd subparagraph of Article 2 (1) of the Law;
3. delete the word ***"real"*** from the definition of ***"psychological violence";***
4. restore the regulations establishing a temporary timetable for a visit with children even when enjoying the right of emergency intervention and protection order;
5. erase all the regulations concerning ***"mediation"*** and ***"reconciliation"*** from the Law;
6. add the survivors of domestic violence and persons under their care as the party subjects of the offense in the problem of ***"publicizing the location of the victim of domestic violence that has been placed in the shelter***" in the proposed improvements to the RA Code on Administrative Offenses.
7. demonstrate a political will to protect women from the abuse of domestic violence.
8. conduct a nationwide survey on domestic violence disclosing its prevalence, causes and impact in Armenia.
9. supervise the implementation of State policies, projects and programs on domestic violence, women's rights and gender equality.
10. work on the practical bill on domestic violence in compliance with the Istanbul Convention.
11. consult with the representatives of local women's rights organizations in all stages of the drafting the bill in that way engaging them in the process as experts.
12. provide special obligatory trainings on gender equality and sensitivity for the representatives of law enforcement bodies and judicial system.
13. exercise due diligence and investigate cases objectively and comprehensively bringing the perpetrators to responsibility and sentencing them to more severe punishments.
14. support survivors of domestic violence through a budget for establishing shelters and help centers in the regions and in the capital.
15. organize nationwide awareness raising campaigns on breaking gender-

based stereotypes and combating domestic violence.

16. criminalize the law on Prevention of violence in the family in Armenia.
17. ratify the Istanbul Convention.
18. invite the Special Reporter on violence against women,
19. implement unconditionally all recommendations concerning domestic violence and women's rights at the national, regional and international level.

Recommendations to the representatives of civil society organizations, human rights activists, researchers and other stakeholders:

1. refer to State's positive obligation to protect women instantly.
2. refer to international human rights treaties, case law and soft law on domestic violence more frequently while advocating for women's rights.
3. lobby for a country visit by the Special Reporter.
4. monitor the implementation of State policies, projects and programs on domestic violence, women's rights and gender equality.
5. follow up the implementation of recommendations received at the national, regional and international level.
6. make a court monitoring of trial cases of DV in the courts.

I hope the recommendations will be audible for the new government of Armenia after the "velvet revolution" in 2018 where women had their own role in it. I would also like to say that for me it will be honour if my paper serves as a basis for more detailed analyses of the DV context of the other post-Soviet countries with much wider narrative.

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DIGITAL DIPLOMACY IN DISPUTED TERRITORIES (COMPARATIVE ANALYSIS OF NAGORNO-KARABAKH AND KOSOVO)

Serine Avetisyan

Abstract

In the last decade because of globalization and new opportunities, digitalization has become one of the most important factors of state development. Within the context of diplomacy and international relations, digitalization has become a powerful tool to bring new techniques and opportunities, which had not existed before. The new "Digital diplomacy" term has been coined in international relations.

The following research analyzes digital diplomacy in disputed territories with the help of the examples of Nagorno-Karabakh and Kosovo. It discovers current situation of digital diplomacy in the regions and investigates probable factors of having that situation.

Keywords: *digital diplomacy, twiplomacy, E-diplomacy, cyber diplomacy, disputed territory*.

Introduction

The present research is dedicated to the digital diplomacy in disputed territories in the world. In recent years, the citizens' capacity to influence the policies of their states has significantly increased against the backdrop of processes of globalization and the rapid development of information and communication technologies. Digitalization has become one of the most actual and important spheres to develop diplomacy tools. In general, digital diplomacy describes new methods and modes of conducting diplomacy with the help of internet and ICTs, as well as their impact on contemporary diplomatic practices. At present, new forms of digital diplomacy, such as "cyber diplomacy" and "selfie diplomacy", have been analyzed. The latter one is fostered to analyze digital diplomacy in the scopes of nation branding.

In the conditions of geopolitical processes, the issue of forming a positive image of the state as an effective tool for the realization of national interests is becoming increasingly important. In the modern era, even the most advanced countries cannot realize their national interests solely by using their military, political and economic power. New ways of promoting the national interests of states and expanding the sphere of influence on the world arena become more relevant. Digital and public diplomacy is an effective tool for achieving these goals.

In this thesis, the main forms, mechanisms and level of effectiveness of the implementation of digital diplomacy in Armenia, Artsakh and Kosovo are explored. Nagorno-Karabakh and Kosovo have been discussed to illustrate as examples of disputed territories. Especially these two regions have been chosen because of digitalization level differences and polices between them. Originally, the Republic of Kosovo is considered one of the creators of digital diplomacy in the world. The level of digital diplomacy is very high in the country as a result of systematic and consistent work. Every year many initiatives are held to develop the sphere. In contrast to this policy, the Republic of Artsakh does not view the development of digital diplomacy as an urgent issue. The steps undertaken towards digital diplomacy are used only because they should walk with the decade. The research tries to show the reason of this kind of situation and difference.

The **subject** of the following study is the phenomenon of digital diplomacy in disputed territories in the world and the **object** of the study is the impact of digital diplomacy on international relations and diplomacy in Nagorno-Karabakh and Kosovo. The subject of this study is the actors, mechanisms and tools of digital diplomacy of Nagorno-Karabakh and Kosovo in the context of bilateral and multilateral relations at the present stage.

The **aim** of the following research is to analyze the presence of digital diplomacy in the policies of disputed territories and show the impact of this type of new diplomacy in those regions, thereby investigating the boundaries of digital diplomacy as a diplomacy term.

The scientific significance of this study. The scientific and practical significance of this study is that the material presented in the work and the findings of the study can be used to further study the principles and mechanisms of digital and public diplomacy in the Republic of Armenia and the Republic of Nagorno-Karabakh.

The practical significance of the study. The research analyzes advantages and disadvantages of digital diplomacy and suggests some tools to skip cyber-attacks in digital level. From this perspective the study also gives very practical knowledge about the use of social media (twitter, Facebook, etc.) as digital diplomacy tools. For ordinary citizens it is a good guideline to get the right and trustful information from a reliable source.

Methodology: In this master's thesis, the author relied on a set of general scientific methods (analysis, synthesis, deduction, induction), as well as on methods of political science knowledge and related disciplines: sociology, media studies, etc. A holistic approach has been utilized when collecting data and substantiating the outcomes of the paper. The following study is exploratory and interpretative in nature. In other words, theory is sustained by real-life examples and a proper descriptive analysis is provided for each example. By employing both qualitative and quantitative modes of enquiry, the study attempts to present multi-faceted perceptions and stereotypes about digitalization and detections of digital diplomacy in disputed territories.

Digital Diplomacy as a Phenomenon of Modernity

"My God, this is the end of diplomacy!" This was the reaction of Lord Palmerston, British Prime Minister and Foreign Secretary, when he received the first telegraph message in 1850s. The world is continually developing and makes us be faced with or makes us face new, but a human being always reacts the same, as Lord Palmerston did.

Traditional public diplomacy[135] is one of the ways to influence public opinion in foreign countries. Prior to the creation of the Internet, public

135 Cull, N. J. (2008). Public diplomacy: Taxonomies and histories. The Annals of the American Academy of Political and Social Science, 616(1), 31-54; Metzger, E. T. (2012). Is it the medium or the message? Social media, American public relations & Iran. Global Media Journal, 1-16; Bjola, C., and M. Kornprobst. 2013. Understanding International Diplomacy: Theory, Practice and Ethics: Taylor & Francis.

diplomacy included programs to influence other states, such as information propaganda carried out through radio and television; training of certain social and professional groups of the population in order to form a loyal elite, spread of political culture through exhibition activities, cinema, etc. The constant increase in the number of citizens who listen to the radio, watch television programs via Internet, use certain resources and discuss the most important social and political problems in social networks, has changed the essence of modern public diplomacy. Digital diplomacy has emerged and changed everything in foreign policy. Digital diplomacy is the use of the Internet and modern information and communication technologies for the implementation of diplomatic and foreign policy related objectives, also referred to as "Net diplomacy" and "Public Diplomacy Web 2.0". For the first time in international practice, digital diplomacy as an independent area of work began to be actively used by the United States, where it was viewed as an important element of "soft" and then "smart power". During 2006-2007 the State Department, the CIA, the Department of Defense, and the US Agency for International Development created more than fifteen departments to work with foreign Internet audiences, specifically to analyze international and national social networks, blogs, chat rooms, and disseminate relevant information. Since that time, the capabilities of these units have steadily increased.

The development of the internet has recently induced a major change in the world. It provided an opportunity to get information and at the same time to share the information with the world within a few minutes. In its early innovation, the internet was available only to the governments and was only used by the elites as a tool of communication. It was a state-controlled project that relied on experts knowledge how to operate it. Later it became available to everyone, which always had a tendency to grow.

Although Digital Diplomacy has become one of the most famous types of diplomacy in recent years, there is not any concrete definition describing the concept. Nevertheless, as a combination of all the definitions of the concept of Digital Diplomacy, the definition offered by DiploFoundation, an organization that focuses on the nexus between digital technology and diplomacy, seems to be a relatively good one. It states that digital diplomacy describes new methods and modes of conducting diplomacy with the help of internet and ICTs, and describes their impact on contemporary diplomatic practices.[136] 'Newness' in diplomacy today has everything to do with the application of new communication technologies

136 "Digital Diplomacy | E-diplomacy | Cyber diplomacy", DIplo. https://www.diplomacy.edu/e-diplomacy. Accessed 04 Apr 2018; Cornago, N. 2013. Plural Diplomacies: Normative Predicaments and Functional Imperatives: Brill.

to diplomacy. The issue targets the main arenas of the diplomacy including negotiation, representation and communication.[137]

The lack of precision in definition of Digital Diplomacy became the core problem for the scholars to research the topic in different ways. Because of this problem, digital diplomacy always is always defined by many names. The most famous terms are 'e-diplomacy', 'cyber-diplomacy', 'twiplomacy', 'net-diplomacy' etc. Although the terms are used interchangeably, but there are some specific differences between them. Particularly "cyber" diplomacy discusses the issues connected with security issues, "e-diplomacy" discusses economic sector, "twiplomacy" targets Twitter as a tool of diplomacy.[138]

At the beginning of January 2011 there was an interesting presentation from Matthias Lufkens (Media Associate Director of the World Economic Forum) about Twitter Diplomacy among the maximum government representatives around the world. Twitter has taken on diverse and occasional roles in diplomatic communications, from cordial announcements of bi-lateral cooperation to terse exchanges and diplomatic jabs, as well as more casual posts.[139]

Since 2008, the number of social governmental accounts has increased and currently there are about 300 State Department-affiliated Twitter accounts globally – which include those run by ambassadors or embassies – more than 400 Facebook pages and 180 YouTube channels.[140]

In order to understand the concept of digital diplomacy, it is necessary to show its relation with public diplomacy. The debate question is whether digital diplomacy uses new technology to conduct public diplomacy in a more modern way or it completely alters the way in which public diplomacy operates, changing the conversation from a monologue to a dialogue.[141] Public diplomacy came to the diplomatic arena in the early twentieth century, with the invention and popularity of the radio as a direct means of communication. Soon radio became a tool for some political groups to

137 Brian Hocking, Jan Melissen "Diplomacy in the Digital Age", Clingendael Institute, The Netherlands, July 2015.
https://www.clingendael.org/sites/default/files/pdfs/Digital_Diplomacy_in_the_Digital%20Age_Clingendael_July2015.pdf. Accessed 04 Apr 2018.

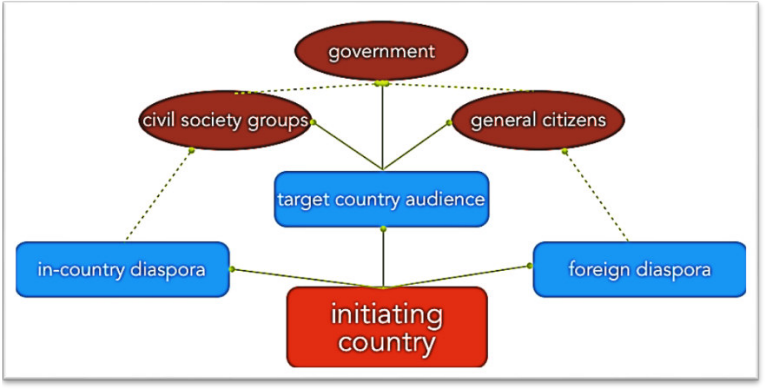
138 Bridget Verrekia, "Digital Diplomacy and Its Effect on International Relations", SIT Digital Collections, spring 2017. http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3619&context=isp_collection. Accessed to 06. Apr 2018; Hoffman, David. 2002. Beyond Public Diplomacy. Foreign Affairs: 83-95.

139 "Twiplomacy". InSlideShare. 2011. https://www.slideshare.net/treebranding/twitter-diplomacy-tree-branding. Accessed to 28 Oct, 2017.

140 "Diplomacy in the digital age: How Twitter, Facebook have changed statecraft". Social Media. 2013. http://www.scmp.com/lifestyle/technology/article/1066424/diplomacy-digital-age-how-twitter-facebook-have-changed. Accessed to 28 Oct, 2017.

141 Manor, Ilan. "What is Digital Diplomacy?" Digital Diplomacy Blog.

spread their ideology. It was the first time, when they had the opportunity to communicate with the foreign societies without including their authorities. Those interactions became important for international policy success. While meetings between government officials are important, public opinion can also be essential in shaping international policy.[142] Nowadays even diplomats try to keep the connection with the society; they often find themselves separated from the public. This is the main ground that many consider digitalization as a positive tool and argue that digital diplomacy is different from public diplomacy[143].



Picture 1. Steps digital diplomacy for unrecognized countries

Source: https://ec.europa.eu/digital-single-market/en/desi.

The digital diplomacy conception was further developed and cultivated to introduce "soft power" in social media in order to counter horrible movements in the world such as terrorism (See Picture 1). In December 2008, a social networking and technology conference took place in New York. During the conference, James Glassman said: "New technology gives the United States and other free nations a significant advantage over terrorists." In his speech, he also highlighted that diplomacy and online activism created success through the use of Facebook groups and the use of

142 Bridget Verrekia, "Digital Diplomacy and Its Effect on International Relations", SIT Digital Collections, spring 2017. http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3619&context=isp_collection. Accessed to 06 Apr 2018; The Digital Economy and Society Index (DESI). Accessed to 06. Apr 2018. https://ec.europa.eu/digital-single-market/en/desi.

143 See Kerry, John. 2013. Digital Diplomacy: Adapting Our Diplomatic Engagement. In Dipnote: U.S. Department of State Official Blog; Khazan, Olga. 2012. Diplomats on Twitter: Putin Follows No One. In Washington Post. Washington, DC.

the platform to create activism and cause global awareness relative to issues in Colombia against the infamous FARC rebels.[144]

Scholars agree that the origin of digital diplomacy comes from United States. Moreover, they highlight the role of former Secretary of State, Hillary Clinton, who became the founder of digital diplomacy by shaping foreign policy strategies of the State Department to exploit new technology. During her period as Secretary of State, Clinton made social media an integral part of many of the programs run by the Department of State (DOS). The main aim was to exploit this popular new trend as a tool of her policy. The result of her dedication is the huge system, which includes 25 different nodes at its headquarters that focus on digital diplomacy, with over 1,000 employees utilizing it in their work at home and abroad.[145]

In 2009, there was another initiative by Facebook users. A group was created named Model United Nations, Social Network Embassy, which was an international goodwill program of the Global Cooperative Coalition. Heads of state, cabinet ministers, chancellors or secretaries, their representative assigned ambassadors, professional networkers from selected networks, and others are recruited and licensed as Global MUNSNE ambassadors, diplomats, or cooperators in the coalition effort. The main goal for establishment of this Embassy was both practice sharing among ambassadors and developing to work together cooperatively with many social networks that have proven to be valuable in the development of their own social networks and the new media forms that have evolved therein.[146] According to the 2013 study by website Twiplomacy,[147] 153 of the 193 countries represented at the United Nations had established government Twitter accounts. However, the use of Twitter by world leaders and diplomats was on the rise as of April 2014, connected with the active use of Twitter by the US and RF governments as a way of oppression to each other in Crimean Crisis.[148] Digital diplomacy as a new phenomenon has its advantages and disadvantages.

144 Rutrell Yasin. Facebook diplomacy: State 'friends' the world. 2009. gcn.com/Articles/2009/06/15/Update-State-connects-via-Facebook.aspx. Accessed to 28 Oct, 2017.
145 DiploFoundation. "Digital Diplomacy, E-diplomacy, Cyber diplomacy." https://www.diplomacy.edu/e-diplomacy. Accessed to 06 Apr 2018.
146 David J. Wright. *Model United Nations, Social Network Embassy.* May 9, 2009. http://blog.globcal.net/2009/05/model-united-nations-social-network.html. Accessed to 28 Oct, 2017.
147 See https://twiplomacy.com. Accessed to 28 Aug., 2018.
148"Obama's hashtag diplomacy with Russia sparks new criticism about weak foreign policy". *FoxNewsPolitics*. 26 April, 2016. http://www.foxnews.com/politics/2014/04/26/obama-hashtag-diplomacy-with-russia-sparks-new-criticism-about-weak-foreign.html. Accessed to 28 Oct, 2017.

One of the main advantages of digital diplomacy is the two-way communication. The communication areas, such as Facebook and Twitter, served as a bridge between government and society where government officials could directly communicate with certain audiences and individuals. These lines of communication gave a chance to the ordinary people to have an influence on their government in ways that had been previously impossible. In the same way, social media helped the diplomats to enjoy the same equal opportunities to develop social diplomacy and introduce own interests. As an individual tool of digital diplomacy, Twiplomacy has had a huge impact on the development of e-diplomacy. Researchers have begun to look into the effects these connections can actually have on international relations.

"A fascinating example can be found in how the United States regained its relationship with Cuba after several years of issuing an embargo. On May 26, 2015 the DOS decided to "follow" the State Department of Cuba on Twitter. Later that day, the same gesture was returned by Cuba. What is important to note is that this online connection occurred 2 months before the two countries officially welcomed each other back into their networks".[149]

Another important advantage of digital diplomacy is the increase of transparency. Nowadays people post in social media everything about their life. The same happens in diplomatic level. In order to be the center of society attention, every politician tries to inform his/her professional activity.

Another important advantage of digital diplomacy can be considered the decrease of financial and environmental costs. Telecommunication technologies such as Skype and Facetime allow people to communicate remotely without sitting in a plane and travelling. It helps to decrease transportation costs and use money in other areas. On the other hand, telecommunication helps to reduce environmental problems too. For example, digitalization has led to newspapers and books being printed online, lessening paper and printing production. Telecommunication is another way that plays a beneficial role on the environment. When disadvantages of digital diplomacy are being discussed, at first the cyber challenges should be considered. In recent years, cyber security has become the main problem for social world. Such a huge availability of the information in network level can be considered both an advantage and a big disadvantage. Every day millions of online users become targets of hackers'

149 Bridget Verrekia, "Digital Diplomacy and Its Effect on International Relations", SIT Digital Collections, spring 2017. http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3619&context=isp_collection. Accessed to 06. Apr 2018.

attacks. The most famous example of cyber-attack is found in the recent United States scandal known as WikiLeaks. When WikiLeaks publically released private foreign policy files that had been shared between US embassies and the DOS, the whole world enjoyed access to frank assessments that had been made by US diplomats about other world leaders and their host countries.[150] The example of the US became a push for thousands of diplomats to accept the challenges of digital diplomacy in different ways. Some of them preferred to exclude the digital diplomacy as a tool of diplomacy, while others took measures to secure the use of digital diplomacy and continued to use it more actively.[151]

Anonymity can be considered another problem in digital diplomacy. Social network limits the need of face-to-face communication. People believe the messages they read or the photos they see. It increases the level of fake information in social media. As a result, the society trust releases, because people do not differentiate the information. One of disadvantages of digital diplomacy is the abbreviation of diplomats. For centuries, the core role of diplomats was to represent their governments while they were abroad and report information to their governments when they returned. With the development of new technologies, diplomats have lost their monopoly on being able to report about what is happening in other countries. As the availability of information is a higher level, the freedom of the diplomat is limited. Nevertheless, opposite to this the ministers of foreign affairs gain more power having access to reports that diplomats used to be responsible for generating.[152]

The use of Twitter and Facebook as Digital Diplomacy tool in the Republic of Artsakh and Republic of Kosovo

As a form of public diplomacy, digital diplomacy is a mechanism for influencing foreign audiences through certain methods, such as: placing radio and television programs on the Internet, distributing publicly available literature in digital format, monitoring discussions in the blogosphere, sending information via mobile phones, and creation of personalized pages of government members in social networks. In order to understand the digital diplomacy level in Artsakh, several governmental official pages have been analyzed. The web page technically is well structured. It is

150 Manor, Ilan. 2015. "WikiLeaks Revisited." Digital Diplomacy Blog. https://digdipblog.com/2015/11/09/wikileaksrevisited. Assessed to 06 Apr 2018.
151 Bridget Verrekia, "Digital Diplomacy and Its Effect on International Relations", SIT Digital Collections, spring 2017. http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3619&context=isp_collection. Accessed to 06. Apr 2018.
152 Manor, Ilan. 2015. "WikiLeaks Revisited." Digital Diplomacy Blog. https://digdipblog.com/2015/11/09/wikileaksrevisited. Assessed to 06 Apr 2018.

achievable for international community because the information is trilingual. The home page also contains last meetings and visits of the president from The Republic of Artsakh. General political development is available on the site.

On the left side of the web page is gathered the whole information of the page. A visitor has a chance to obtain information about Nagorno-Karabakh, the president, Office of the president, Constitution of the country, etc. Another important digital diplomacy tool of this page is the possibility to write a letter online. The office of the President cares about every letter and answers directly.[153]

Another official webpage, which has a big impact on Digital diplomacy development in Artsakh, is the official web page of the Ministry of Foreign Affairs. Official web page of the Ministry of Foreign Affairs in Artsakh is mainly an information supplier. It contains seven main information sections. Home page is for the latest news from Artsakh. Every day it introduces brief news from the country. Seven chapters of the web page are Statement, MFA, Nagorno-Karabakh Republic, News, Publications, Document, Mass media Digest and Armenian Genocide Centennial.[154] Statement Chapter supplies the main statements, speeches, articles and interviews, which are valuable for the MFA and their foreign policy.

The Republic of Nagorno-Karabakh has several representations in other countries. Some of them have their online official web pages, which work with the same system as MFA page.

The official website of the National Assembly of Artsakh is one of the most popular web pages. It is another ~~one~~ example of digital diplomacy tool in Artsakh. The web page is well conducted. On home page readers can find the welcome speech of the president of National Assembly of Artsakh. The website mainly has a protocol role, because in general it does not create a platform to develop digital diplomacy. The e-participation sector within digital diplomacy is not actual here. As frequently used webpage in ~~the~~ Artsakh, the official web page of human rights defender of the Republic of Nagorno-Karabakh was viewed. The web page is very well structured. Moreover, both the official pages of ombudsman and personal ones are very active in social media (twitter, Facebook, YouTube, and LinkedIn). The website is bilingual.

In comparison to ~~the~~ Artsakh, the level of digitalization in Kosovo is very high. In 2015, broadband internet became one of the spears of

153 The blank of the letter to the President of the Artsakh Republic. http://www.president.nkr.am/en/sendALetter. Accessed to 23.08.2018.

154 The official website of MFA the Artsakh Republic. http://www.nkr.am/en. Accessed to 27.08.2018.

sustainable development in the UN's Sustainable Development Goals. EU has replaced the outdated Digital Agenda Policy with the Digital Single Market for Europe, pushing for the development of digital society. According to the Internet World Stats, Kosovo remains one of the regional leaders in Facebook use, with penetration rates exceeding 45 percent.

The most creditable source to understand the official steps towards the digital diplomacy development in Kosovo is the official web page of The Foreign Ministry of Kosovo. At first visit to the page argues that the page is very well structured. It contains such different tools, which were not noticed in case of Artsakh. The web page is in four languages. The page has seven general sections as it has in general. The first one is the home page, which provides fresh information about the last developments in their foreign relations. "News" section is consisted of four main chapters. The first one provides MFA news, while the second one singles out only Kosovo news. The other ones introduce interviews and speeches. The next "Ministry" section is one of the tightest sections on the web page. It includes the information about Diplomatic Academy in Kosovo, Organogram, Deputy Minister, General Secretary, General Directorate, Department of Consular Affairs, Internal Audit Division, Legislation, Job Vacancies, Former Minister and Contact. The Organogram is very useful for the visitors, as it gives the complete picture of the ministry.

The "Foreign Policy" section includes the whole information about international relations of Kosovo. Here is the interest to develop digital diplomacy is highlighted very properly. The Section contains a chapter called "Public Diplomacy and Digital Diplomacy", which provides the main policy to encourage digital diplomacy tools in foreign policy of the state. As an introduction, the chapter argues that in digital development agenda diplomacy has its important place, because the ministry focuses on securing Kosovo's recognition by the global Internet infrastructure. Kosovo, unlike other countries with UN membership, faces particular barriers towards positioning itself in the digital sphere. As a methodology for digital diplomacy development in Kosovo, the online landscape was analyzed and, subsequently a strategy for digital diplomacy of concerted action was designed. This strategy encompasses a comprehensive and diversified portfolio of initiatives that is strengthening Kosovo's overall online presence and quality of the multimedia content. Turkish magazine Yeni Diplomasi awarded the Kosovo Strategy for Digital Diplomacy as the 4th best in the world after UK, US, and Israel.[155]

155 The official website of the Ministry of Foreign Affairs of Kosovo, "Digital Diplomacy" chapter. http://www.mfa-ks.net/en/politika/486/diplomacia-digjitale/486. Accessed to 10.09.2018.

The website also provides the digital diplomacy promotion program list, which includes Digital Kosovo, Balcanes, KosovoDiaspora, InstaKosovo, AppCamp and Wiki Academy. Digital Diplomacy has been introduced above. Kosovo Diaspora project tries to enlarge the digital tool involvement in connections with the Diaspora. InstaKosovo uses instagram as an active tool for the promotion of state digital diplomacy.

"Diplomatic Missions" section includes three parts. Diplomatic missions of Kosovo, Consular Missions of Kosovo and Foreign Missions in Kosovo are the chapters of the section. In view of information about the representations, the page provides the whole contact information (address, telephone, email, fax, etc.).[156] An interesting fact about the whole representations of Kosovo is the presence of web pages of the missions.

"Consular services" section provides the necessary information both for the citizens of Kosovo and internationals. The last section of the official web page is "Resources" section. The chapter includes Kosovo's New Diplomat, which is the official newspaper of the ministry.

Twitter considers the most popular social platform for digital diplomacy. According to the Twiplomacy Study 2018[157] 951 Twitter accounts - 372 personal and 579 institutional accounts - of heads of state and government and foreign ministers of 187 countries were identified. The study analyzes the most popular world leaders and official pages in Twitter. It also shows the connections among diplomats. One of the important results of using Twitter is creating Digital Diplomatic networks among diplomats and ambassadors. The UK Foreign Office has the largest Twitter network maintaining a public Twitter list with a record of 413 embassies, ambassadors and deputy heads of mission. The second one is Russian Foreign Ministry with 244 embassies, consulates and trade missions on its Twitter list. According to the same research on the top of the most followed leaders is US president Donald Trump, who has the most problematic and contradictory tweets in Twitter. The U.S. President has also changed the tone of discourse on Twitter, frequently insulting his opponents and lampooning foreign leaders, calling North Korean leader Kim Jong-un "little rocket man,"[158] describing the Syrian president as a "gas killing animal,"[159] and threatening air strikes and war via tweets.

156 Official web page of the Ministry of Foreign Affairs of Kosovo, "Diplomatic Missions" section. http://www.mfa-ks.net/en/misionet/493/ambasadat-e-republiks-s-kosovs/493. Accessed to 10.09.2018.
157 Matthias Lüfkens "Twiplomacy Study 2018 Executive Summary", Geneva, July 10, 2018. https://twiplomacy.com/blog/twiplomacy-study-2018. Accessed to 0.07.2018.
158 D. Trump's tweet on 23.09.2017. https://twitter.com/realDonaldTrump/status/911789314169823232. Accessed to 19.07.2018.
159 D. Trumps tweet on 11.04.2018. https://twitter.com/realDonaldTrump/status/984022625440747520. Accessed to 19.07.2018.

The Republic of Artsakh also has its presence on twitter platform. There are several pages called Nagorno-Karabakh or Artsakh, which provide general information about the country. Several politicians in Artsakh use Twitter as a diplomatic tool. The most successful and active people were included in the research:

1. Ruben Meliqyan	*Ombudsman of The Artsakh Republic*
2. Ashot Ghoulyan	*President of the National Assembly of the Republic of Artsakh*
3. Hayk Khanumyan	*MP to the National Assembly* *President at "The national renaissance" party at Nagorno-Karabakh*
4. Anush Ghavalyan	*Press Secretary to the President of the National Assembly of the Republic of Artsakh*
5. Artak Beglaryan	*Former Spokesman of the prime minister of The Artsakh Republic* *Head of department NKR Ombudsman of The Republic of Artsakh*

According to their accounts, they have more than 1000 followers. The main information is in English. Both personal and political information is available. The other important thing, which is visible, is the very good connectivity between these politicians. They re-tweet every post of their colleagues in order to enlarge the visibility of the post. On 6 August, 2018 Ashot Ghoulyan tweeted: "Speaking about territories Azerbaijan must remember that Artsakh/Nagorno-Karabakh has territories under Azerbaijani occupation." There were 11 re-tweets of this post after. Half of them were internationals, which is very beneficial for the Republic of Artsakh. The other halves of them were other politicians from Artsakh.[160]

Except for personal accounts on Twitter, there are three organizational pages, which are comparatively active. They promote mainly spherical information and are not as useful as personal accounts for digital diplomacy. These official pages are Artsakh MFA, Artsakh Ombudseman, Artsakh MoD. Artsakh MFA and Artsakh Ombudsman are available for international community, because the main information is in English, while Artsakh MoD provides information only in Armenian[161].

160 For more information read Ashot Ghoulyan on Twitter. https://twitter.com/Ghoulyan. Accessed to 15.08.2018.

161 For more information read Artsakh MFA, Artsakh Ombudsmen, Artsakh MoD on twitter. https://twitter.com/mfankr?lang=en; https://twitter.com/NKR_Ombudsman?lang=en; https://twitter.com/Karabakh_MoD?lang=en. Accessed to 15.08.2018.

The official account of the Ministry of Foreign Affairs of the Republic of Kosovo called as "MFA Kosovo" is one of the most active official pages on Twitter. The account has more than 32 thousand followers. Statistically every month the account tweets at least 50 and more posts. The posts are very comprehensive and include the whole scopes of Kosovo's foreign policy. Sometimes the posts are trilingual. The same news is both in English and Arabic, French, Chinese, etc.[162] September posts were mainly about the 5th Diplomats conference, which took place in Pristina. The conference gathered more than 150 diplomats during 6th and 7th of September in Pristina, which was classified as the most important foreign policy event in Kosovo. The conference was opened by the president of the Republic of Kosovo. After the opening ceremony, the main goals and priorities for the future and tackling's for the challenges of the country were determined[163].

The page mainly re-tweets state officials including the president of Kosovo. The page actively posts the tweets of representations of the Republic of Kosovo. The tweets are mainly in the language, the embassy works in.

The official account of the president of Kosovo is very active. The interesting fact is that the page actively shares all the posts of FMA Kosovo.

The important information about the use of Twitter is the fact that all embassies and consulates in the Republic of Kosovo have certainly their official pages. It firstly makes the work of the official MFA account on Twitter easier, because they supply information and MFA web page just manages their work. Secondly, all the pages work very actively. Each of them tweets every day, which ensures transparency of their work process.

In comparison with Armenian foreign officials' accounts, Kosovo foreign officials may tweet also some personal information (preferences of books, movies, etc.). Moreover, there is an established culture, when the officials tweet to know different points of views about a certain issue. This is definitely inclusive policy for society. As an example, one of tweets of the Foreign Minister of the Republic of Kosovo has been used. Petrit Selimi tweets "And Kosovo national team extends its record of 6 unbeaten matches in row in football".[164] Petrit Selimi has more than 48 thousand followers and the number of his tweets is more than 30 thousand. These numbers are really high results. In a day, he nearly posts ten times.

162 The official account of The Foreign Ministry of Kosovo on Twitter. https://twitter.com/MFAKOSOVO?lang=en. Accessed to 10.09.2018.

163 Fifth Ambassador Conference held in Kosovo on Twitter. https://twitter.com/MFAKOSOVO/status/1037614052913176576. Accessed to 10.09.2018.

164 Official Account of The Minister of Foreign Affairs of The Republic of Kosovo Petrit Selimi. https://twitter.com/Petrit?lang=en. Accessed to 17.09.2018.

Except for official accounts of Embassies of Kosovo, the ambassadors are very active with their official web pages on Twitter. Vlora Çitaku is the Ambassador of Kosovo in the USA. Her Twitter account has more than 81 thousand followers. She tweeted more than 15 thousand times. An interesting fact about her account on Twitter is the part of her preferences. As personal information, she writes that she is interested in digital diplomacy. For two Armenian countries, Facebook is very popular social media tool. As the population actively uses this network, the necessity of Facebook as a digital diplomacy tool has increased in recent times.

Artsakh state officials, who prefer digital diplomacy as a new phenomenon, use Facebook as a preferred sphere. However, there are some officials, who do not use Facebook in controversial with twitter. The first one is the President of Artsakh. Bako Sahakyan has an official page on twitter. Even though the page is not actively used, he sometimes tweets and it is very beneficial for Artsakh's digital diplomacy.

In contrast with the president, the President of the National Assembly Ashot Ghoulyan uses his Facebook page very actively. The page was created on 4 March 2015. Now the page has more than 3 thousand followers and nearly the same number of likes. As contact information, the page provides a phone number and a mail. Moreover, the page replies the messages within a few hours. The working language of the page is English, but the posts and the information are in Armenian. This fact again argues that the followers of the page are Armenians and internal community and the aim of the page is to supply information for internal community.[165]

The Ombudsman of Artsakh Ruben Melikyan can be considered as one of the most active users of Facebook within the state officials. Ruben Melikyan's page on Facebook has a personal status, so it is his personal page on this social network. The information on his page both professional, which provides brief information about his work, meetings, discussions and personal, which includes some songs or movies he prefers. From this perspective, it is a little bit harder to differentiate his profile as a tool of digital diplomacy on Facebook. Nonetheless, his profile page was analyzed within the scope of this research.[166] The main language is Armenian. The page has 5000 friends and cannot accept other friend requests. The number

165 For more details please visit the official web page of the president of National Assembly of the Republic of Artsakh Ashot Ghoulyan. https://www.facebook.com/ashotghoulyan. Accessed to 09.09.2018.

166 For more details please visit the Facebook profile of Artsakh Ombudsman Ruben Melikyan. https://www.facebook.com/rubenmelikian?lst=100004324154517%3A1358020911%3A1536514818. Accessed to 09.09.2018.

of the followers is nearly the same as the number of friends. Discussions and comments are more active here because of the personal status of the page. Nevertheless, the fact itself is creditable.

Former Adviser to the State Minister at Artsakh Government Artak Beglaryan is one of Active Facebook users as well. Artak Beglaryan has his personal Profile on Facebook and official web page too. As for the official page on Facebook, the last post was made in 2017, so it is quite clear that now the page is not managed. In contrast to the web page, his personal profile is very active. Artak Beglaryan's page has more than 7000 followers and 5000 friends. He actively uses the opportunities of digital tools to hear different points and views. This politician is highly respected, because being blame he continues to have his biggest influence on development of digital diplomacy in the Republic of Artsakh.

The Minister of Foreign Affairs in the Republic of Artsakh also has its official Facebook page. The page is not as popular as the last ones mentioned above, but it also manages the same functions. The page has nearly a thousand followers and likes. The page contains trilingual news about Artsakh's foreign relations. The page contains information only about the context of International relations and in the scopes of the work of Foreign Ministry of the Republic of Artsakh[167].

Foreign Ministry of the Republic of Artsakh has its official account on Facebook. The account provides contact information of the ministry.[168] The messenger is also active and the page answers messages within a few hours. The page has nearly 7 thousand likes and 6 thousand followers. The disadvantage of the page is the fact that the former has a media role in general. It shares information about any political event, which does not imply any feedback from readers. Here again we face problems with E-Participation. The advantage of the page is that it provides news and information both in Armenian and English, which makes the information available for international community. Once more, E-Participation is weaker in English variant too. People do not know who answers comments or suggestions. From this perspective, personal accounts are more effective. As the role of virtual Embassies has gradually become more and more important, the official web pages of the representation of Artsakh in other countries have been viewed before. In this chapter, the role of the accounts

167 For more details please look though the official website of the minister of Foreign Affeirs of the Republic of Artsakh Masis Mayilian. https://www.facebook.com/MasisMayilian. Accessed to 09.09.2018.

168 For more details please visit the official website of Foreign Ministry of Artsakh Republic on Facebook. https://www.facebook.com/MFANKR. Accessed to 09.09.2018.

of those representations on Facebook has been analyzed. As one of the most active office, which has virtual availability, the Office of Artsakh in the USA was again singled out. The Facebook page is in English, and has more than 4 thousand followers and likes together. The page provides broad scopes of information about Artsakh. It may include tourism and politics and nature. The page provides the contact information of the office too. Unfortunately, the other representations of Artsakh do not have pages on Facebook.

"The Government of the Republic of Artsakh" account on Facebook is the most liked and followed page. It has 27 thousand likes and the same number of followers. However, this resource is not properly used, because the page is passive compared with the others. The last post was made on 9 August, 2018. The post was about the meeting between Artsakh Government Representatives and the representatives of Foreign Ministry of Armenia.[169]

The phenomenon of fake pages is very actual on Facebook. There are dozens of accounts, which are created by Azerbaijani hackers in order to get information from Armenian side. During the research, a page named "Virtual Embassy of Nagorno-Karabakh in Serbia" was found. At first sight the page looks very official. It contains information about Artsakh and patriotic messages as well. Little research was enough to understand that the page is fake and a sort of Cyber diplomacy.[170] These kinds of pages frequently change their names in order to maintain "trust" beyond them. In contrast with Twitter Kosovo digital diplomacy is not very active Facebook platform. In general, all official pages in Kosovo exist on Facebook too, but the posts are older. The official web page of Foreign Ministry of Kosovo on Facebook has more than 11 thousand followers and nearly the same number of likes. The posts and the news are mainly in their native language, which makes difficult to understand the information provided by page. The same problem existed in Armenian official pages too.

Embassy of Kosovo in Washington also has its official page on Facebook. It has more than 12 thousand followers. The information sector gives brief contact information, which includes address, phone number, website link, map, which will help visitors to find the embassy easier, working hours. The page is not as active as their Twitter account. It is just a platform for officials to share the information.

169 For more information please visit the official website of Artsakh Government on Facebook. https://www.facebook.com/ArtsakhGovernment. Accessed to 09.09.2018.

170 The information of the account is available here: https://www.facebook.com/Armenia.Serbia.2. Accessed to 09.09.2018.

The similarity with the official pages of the Artsakh is the target and the aim they are established. As it has been mentioned above, both Armenian and Kosovo cases most of the pages and accounts provide information in their native languages. As a conclusion, it can be highlighted that Facebook official accounts are established for internal community, while Twitter accounts try to operate international relations with international community.

Conclusion

The transformation of the world system, changes in international communication contributed to rethinking the role of the image of Artsakh and Kosovo in the realization of their national interests. In this regard, the role of digital diplomacy in the foreign policy activities of these countries has increased. In modern world, digital diplomacy has become one of the most used types of diplomacy. As gained results of the research, the following outcomes were singled out:

1. The study of the basic concepts of digital diplomacy shows that the latter is one of the most controversial: until now, researchers are continuing discussions, on the one hand, about the identity of digital diplomacy with notions, such as propaganda, cultural diplomacy, foreign cultural policy, etc. and, on the other hand, which actors (state or non-state) are dominant in the policy of digital diplomacy.
2. Artsakh and Kosovo today successfully implement digital diplomacy in, as evidenced by the strategic partnership between these countries with the UN, EU, Council of Europe, OSCE and others, as well as the active expansion of information and communication space, and the expansion of areas and platforms of interaction on social media.
3. By using "net-diplomacy", "e-diplomacy" and "twiplomacy" analysis methods the overall picture of digital diplomacy in Artsakh and Kosovo has been shaped.
4. The analysis of "twiplomacy" in Artsakh and Kosovo highlighted the other aim of state and its officials to use this digital diplomacy tool. While Twitter was highlighted as a tool for ensuring two-way communication, the analysis of use of Facebook by Artsakh and Kosovo gave another interesting result. The fact, that official pages on Facebook, are mainly in their native languages, highlights the concept, that they are created to serve for internal community.

Summing up, it should be noted that despite the fact that digital diplomacy in Artsakh and Kosovo is not the strongest position, there is an understanding in the minds of the population of these countries that the international community is the main and closest ally and grant of the world. However, in the modern globalizing world, systematic work with both state and public structures of the state is needed to maintain it. The international community, in turn, focusing on interaction with public structures in Artsakh and Kosovo, is actively working for the future.

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