

## STATE PARTY EXAMINATION OF ARMENIA'S THIRD AND FOURTH PERIODIC REPORT

63<sup>RD</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

27 MAY – 14 JUNE 2013

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*Armenia acceded to the Convention on the Rights of the Child (CRC) on 23 August 1993. On Wednesday 29 May 2013, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Armenia. It was last examined on 14 January 2004.*

### Opening Comments

The delegation of Armenia was led by H.E. Mr. Yegishe Kirakoysan, Deputy Minister of Justice. He was supported by a delegation consisting of representatives from the Ministry of Education and Science, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Defence, the Department of Family, Mother and Children Issues, the Criminal Investigation Department the National Assembly and the Deputy Permanent Representative of Armenia to the United Nations in Geneva.

In his introductory statement, Mr Kirakoysan indicated that many steps had been undertaken on the protection of the rights of the child in order to implement the previous Concluding Observations issued by the Committee in 2004. A new Action Plan, covering all aspects of the protection of the rights of the child, had been adopted in 2012 for the period 2014 to 2016. This Action Plan, aimed at implementing the international obligations of Armenia, focused particularly on social security and protection, health care, education and juvenile justice.

On the area of social protection, the head of delegation particularly mentioned the establishment of an integrated social services system and the creation of a protection system organised at three levels: municipal, regional and local. Regarding health care, several pieces of legislation had been adopted or were in the process of adoption, including on nutrition, reproductive health and

services for pre-natal care and new-borns. In relation to juvenile justice, the Criminal Code was currently under revision, based on Concluding Observations of the Committee on the Rights of the Child and the Committee against Torture. While there was no specific juvenile justice system, steps were being taken to adopt specific provisions for juveniles in contact with the justice system and a new Code of Criminal Procedure was currently being elaborated to fill those gaps.

Mr Kirakoysan emphasised the importance given by the government to alternative reports and indicated that the State was open to discussion with non-governmental organisations.

Mr Gastaud, the Country Rapporteur, emphasised that children represented one third of the Armenian population, which reflected the particular importance of the implementation of the CRC. He welcomed the ratification of several international instruments by Armenia, as well as some legislative reforms, including on raising the minimum age of marriage and the creation of integrated social services.

## **General Measures of Implementation**

### ***Legislation***

The Committee observed that the supremacy of international treaties was recognised in Armenian law and asked whether there had been cases of concrete application of provisions of the CRC by judges. The Committee also asked whether the State would adopt a comprehensive law on child rights.

The Committee enquired whether the State envisaged the ratification of the Convention on the Rights of Migrant Workers and their Families, as this instrument also related to child rights. It also asked whether the State intended to ratify the third Optional Protocol to the CRC on a Communications Procedure. The delegation indicated that the ratification of the Convention on the Rights of Migrant Workers and their Families was almost complete. The ratification of the third Optional Protocol to the CRC would be analysed by the government in due course.

### ***Ombudsman***

The Committee asked for more details on the mandate of the Ombudsman for Children, including its competences, the budget allocated to it and its accessibility to children. The delegation indicated that a focal point for children had been created within the office of the Ombudsman. Its task was to monitor the CRC and to deal with individual cases, including on children with a disability, guardianship rules, a strategy for HIV/AIDS prevention and protection of the rights of children currently living in alternative care institutions.

The child unit consisted of one staff member and one psychologist; however, its budget had been increased over the years and was included in the Human Rights Action Plan. The law provided the possibility for any person to submit a complaint to the office, including children. In addition, regional offices would be open for improved access by children and information about the Ombudsman for Children was available on the Internet.

### ***Coordination and monitoring***

The Committee asked for details on the composition of the Commission for Coordination, and on how coordination was carried out between various levels of government authorities. The delegation agreed that monitoring was necessary for the effective implementation of the CRC. Monitoring groups had been created in the whole country to that end. The Commission for

Coordination effectively influenced the government system and worked with various institutions and regional departments. Local authorities covered the whole territory and had direct access to children and families; they liaised with the regional level for resources and cooperation.

### ***Dissemination and training***

The Committee asked about measures taken for the dissemination of the CRC and whether the Concluding Observations of 2004 had been translated into Armenian. The delegation answered that the Concluding Observations had been translated with the support of UNICEF Armenia and disseminated to all government institutions.

The Committee also asked whether professionals working on and with children were adequately trained. The delegation answered that there was on-going training of specialists working in child rights, based on the CRC, under the Ministry of the Family. In 2013, a new integrated social services system was established, under which many social workers became case managers and had the power of decision on children's issues.

### ***Budget***

The Committee understood that the amount of budget allocated to child rights had decreased because of the economic crisis, but was concerned that the percentage of allocation had also decreased. The delegation indicated that the overall budget for children had not decreased during the economic crisis; however, it acknowledged that the goal of allocating four per cent of the State budget to education would be challenging.

### ***Cooperation with civil society***

The Committee was concerned that non-governmental organisations had not been consulted for the preparation of the State report. The Committee asked to what extent the State cooperated with civil society, including in the elaboration of legislation and policies. The delegation indicated that all final drafts of State reports to treaty bodies were discussed with non-governmental organisations and that the State cooperated with them on various themes. This cooperation was fundamental and the State was always open to discussion and collaboration.

## **General Principles**

### ***Discrimination***

The Committee was concerned by the deep-rooted mind-set on gender discrimination against women. The delegation indicated that institutional measures had been taken to improve the status of women in the society. New legislation on equality of rights was currently awaiting Presidential approval and would provide for the implementation of quotas for certain job categories. In the police, fifty per cent of staff members were women. Non-governmental organisations had supported the State in these efforts.

### ***Right to identity***

The Committee also asked about the legislation in terms of the right of the adopted child to have access to information on his/her origins. Furthermore, the Committee asked for clarification about a legislative provision providing that children from Armenian parents could acquire the Armenian nationality up to the age of 14.

The delegation clarified the legislation concerned, indicating that when a parent acquired Armenian nationality, the acquisition of the nationality was automatic for the children; however, in those cases, children from aged 14 and above were asked to apply independently, based on their own choice.

### ***Best interest of the child***

The Committee observed that article 43(1) of the Family Code referred to the notion of the legitimate interests of the child and asked whether judges interpreted this notion as right of the child to have his or her best interest considered, in line with article 3 of the CRC. The delegation said that it was clear in the legislation that parents' rights could not be exercised to the detriment of the rights of the child and that the best interest of the child was a primary consideration.

### ***Birth registration***

The Committee observed that numerous children did not have a birth certificate, which deprived them from receiving social assistance benefits. It asked what measures had been taken to reduce the number of children without certificates, including for children born outside medical facilities. The delegation stated that significant progress had been achieved since the State's previous review by the Committee. The rate of children born and not issued a birth certificate was now 0.2 per cent. Pregnant women were accepted in health institutions without a passport, and in those cases, documents would be prepared for the child during the pregnancy. Children without a birth certificate also had access to medical care.

### ***Respect for the views of the child***

The Committee was concerned about the limited practice of the children's parliament and asked whether measures had been taken to encourage participation within those settings. The delegation indicated that the right of the child to be heard was included in several pieces of legislation, especially in the Family Code. Accordingly, the child would be asked for his or her views in decisions, including on name change, custody issues, reestablishment of parental rights or decisions on education. Within judicial proceedings, judges could hear the child from the age of 10; under the age of 10, an independent organ could meet with the child and present its conclusions to the court.

The Committee addressed the issue of consent to medical treatment and asked in which cases treatment could be given to the child without the child's consent. The Committee was concerned by the fact that children needed the consent of their parents for any medical care and asked what was done where the parents abused the child. The delegation answered that according to the law, information should be given to parents of children under the age of seven and that the final decision belonged to the parents for all children. However, adolescents had the right to be informed about care and treatment without the presence of the parents. In case of urgent medical care, the consent to a medical procedure could be given by two doctors without the consent of parents.

### ***Right to life and survival***

The level of abortion for sex-selection purposes was of concern to the Committee. The delegation acknowledged that Armenia was on the black list of countries on this issue. The government was working on this topic and had followed recommendations of the European Union to change the legislation and raise awareness in order to change the attitudes of the population, according to which each family should have a boy. A bill on reproductive rights had been introduced,

prohibiting specialists to give information to parents on the sex of the child before completion of 30 weeks of pregnancy.

## **Civil Rights and Freedoms**

### ***Early marriages***

The Committee was concerned about the on-going practice of early marriage in some provinces, despite the adoption of a law that had established the same minimum age of marriage for men and women. It asked what measures were envisaged to prevent this practice. The delegation stated that since April 2013, there was no difference between men and women regarding the minimum age of marriage, which was 18. In exceptional circumstances or for certain ethnic groups, a girl could marry at the age of 17, if the other party was aged 18 or above.

### ***Corporal Punishment***

The Committee asked to what extent the legislation explicitly prohibited all forms of corporal punishment in all settings. The delegation stated that the law protected children against violence and included the prohibition of corporal punishment. The draft law on domestic violence was still pending, while other legislation was being amended. The prohibition of corporal punishment would be included in the Criminal Code.

Currently, two offences existed: sexual crimes and mistreatment of children; perpetrators could be convicted on the basis of the two provisions. Cases of incest could also be prosecuted when identified. A police unit would now be working both on juvenile justice and violence against minors. The prevalence of violence against children would be analysed thoroughly as part of on-going work to address the issue. In 2012, 120 cases of violence against children were registered as criminal cases, including 50 of a sexual nature and one or two cases of rape.

### ***Freedom of thought, conscience and religion***

The Committee was concerned about the compulsory teaching of Armenian religion by the Church and asked what measures were being taken for children from minority groups in that regard. The Committee was particularly concerned about how the rights of children belonging to minority groups were upheld in classes where the practice of religion was taught by priests and where prayer was a part of the class.

The delegation indicated that the educational programmes determined by the Ministry of Education did not contain mandatory classes of religious history for all schools but only for State-run schools. Each school could decide how these classes would be taught, for example as part of the subject of history, to inform children on various cultures and civilisations. Children did not have to pray during classes but could learn and study the prayers. Priests did not teach those classes but were sometimes invited to make presentations.

The Committee asked whether there were any awareness-raising measures within schools on religious and cultural diversity, especially given the minorities living in the country.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee welcomed the progress made on family-based care for children and asked what measures had been taken to support low-income families in order for children to remain with

their families. The delegation indicated that the social security system provided support and protection to families, including the provision of benefits and allowances, which had not decreased with the economic crisis. Regional social centres had also been created to support families, and could receive children, providing food and child care services. Thanks to this system, the number of children to be placed in institutions had decreased significantly.

### ***Adoption***

The Committee was concerned that parents that had abandoned their children still had parental rights over the children, which prevented them from being adopted. The delegation said that according to the law, parents who refused to take care of their child had to renounce their parental rights.

The Committee asked how adoptions were monitored by the State, especially given the recent trend of online advertising for adoption of children from Armenia by families from the United States. It also asked about the process of selection of adoptive parents and in particular whether they received any training on parental skills. The delegation indicated that the legislation on adoption was consistently being improved and included work with parents prior to the adoption and the assessment of adoptive families. It was also essential to have a competent body for accountability to avoid abuses within adoption procedures.

The Committee was concerned by the continued use of the terms “orphans” and “orphanages” in legislation and policy and asked whether the State had made use of the United Nations Guidelines on Alternative Care. The delegation assured the Committee that those two terms were no longer used and that Armenia fully supported the terminology of the United Nations.

### ***Institutions and family-based care***

The Committee expressed concern that some children living in closed, or partially closed, institutions, were subjected to violent treatment. It asked what concrete efforts had been made to monitor the functioning of institutions and address those challenges. The delegation explained that the Ombudsman had the mandate to visit institutions and carry out inspections and that non-governmental organisations regularly visited health centres and institutions to monitor violent practices against children.

The Committee observed that statistics provided by the State indicated that only 10 per cent of children living in institutions had no living parents. It asked whether the remaining percentage corresponded to children from low-income families. The delegation stated that children in institutions were supported until the age of 23 and received support for their studies and accommodation until that age. The goal was to include children in the system of alternative care. There were currently 2000 children in foster families and the approach of the State was focused on foster families, in accordance with SOS Children’s Villages. This model would be further promoted, including for children with disabilities, and efforts would be made to address stereotypes.

### ***Child abduction***

The Committee asked what measures had been taken to prevent illicit transfer of the child out of the country by a parent and to ensure that the child could maintain contact with both parents. The delegation indicated that Armenia had ratified the Hague Convention on Inter-country Abduction. The coordinating body required by this Convention was the Ministry of Justice, which cooperated with other member States and provided information and opinion to the court for a decision on a given case. It explained that three bodies cooperated to prevent child

abduction and followed policies elaborated on the basis of the Convention. It was, for instance, an absolute requirement to have the consent of the second parent in order for a parent to transfer a child to another country.

## **Basic Health and Welfare**

### ***Children with disabilities***

The Committee was concerned that children with disabilities were still perceived negatively by parents and communities and that consequently a high number of these children were placed in institutions. It asked about the intention of the State to take measures to raise awareness and combat such attitudes, especially in rural areas. The Committee also asked whether there was a screening programme for disabilities and a community programme for rehabilitation of children with disabilities.

The State indicated that efforts would be made to change attitudes of the society towards people with a disability, and to convince families that their child could live a fulfilling life within his/her family, whether biological or adoptive. Investment in this field would increase to continue the work on the evolution of society on this issue. Practical measures to this end had already been implemented, such as the creation of centres for children with disabilities to provide services and activities, as well as awareness-raising campaigns. The delegation acknowledged that a significant amount of work remained to be done.

### ***Child mortality***

The Committee was concerned by the prevalence of stunting, malnutrition and anaemia among children in Armenia, and asked whether budget cuts on health funding had had any impact on those results. If so, the Committee asked whether any improvement was intended, especially to reach the fifth of the Millennium Development Goals. The delegation admitted that budgetary allocation had been decreased in recent years, both because of the crisis but also because the birth rate had decreased. Nonetheless, children under the age of seven received hospital care free of charge, regardless of their status.

The delegation added that Armenia would reach the Millennium Development Goal on child mortality if more resources were invested, including through international donors. Malnutrition was an issue, in particular, since many children had a vitamin deficit. A new strategy would be elaborated to act on health, poverty and education in order to address these issues.

### ***Nutrition***

The Committee asked whether measures had been introduced to address the issue of obesity. The delegation indicated that 15 per cent of children suffered from obesity and that 10 per cent of the children expressed that they were worried about their weight. There was a need for new legislation on this issue and the State was envisaging the introduction of a ban on the sale of fast food to children and adolescents.

### ***HIV and AIDS***

The Committee asked about measures planned to limit the transmission of HIV/AIDS, especially through the limitation of substance abuse and transmission through needles. The delegation indicated that 1.7 per cent of children were currently living with HIV as a result of transmission through the mother. An adequate strategy was in place and 99 per cent of pregnant women were

screened. When found to be HIV positive, pregnant women had access to treatment and specific rules on breastfeeding applied.

### ***Breastfeeding and neo-natal care***

The Committee was concerned about disparities between rural and urban areas with regard to neo-natal care. The delegation indicated that women received care for fertility issues regardless of their financial situation and were followed from the 23rd week of pregnancy. The State had managed to reduce the number of unofficial payments to improve the efficiency of the system.

The Committee asked whether the International Code on the Marketing of Infant Formula was being implemented, especially in the monitoring of hospitals' practices for the promotion of breastfeeding. The delegation indicated that the national law prohibited the advertisement of artificial food and encouraged breastfeeding. Health workers found to have violated the law would face sanctions. Formulas were prohibited within all baby-friendly hospitals, and non-governmental organisations provided support in the monitoring of this issue.

### ***Drug, alcohol issues and suicides***

The Committee observed a high level of addiction to alcohol and drugs among children and adolescents and asked whether the programme initiated in 2009 had yielded any positive results. The delegation explained that a strategy for the health of children and adolescents had been adopted. A survey on the use of tobacco had been carried out, which showed that 20 per cent of adolescents smoked from the age of 16. Drug or alcohol abuse were not a significant problem in the country

The Committee observed that figures regarding suicides among adolescents were concerning and asked whether any measures had been taken to address the issue. The delegation acknowledged that the number of suicides among adolescents had increased, and that although strategies had been elaborated, the relevant structures were not yet in place.

## **Education, Leisure and Cultural Activities**

### ***Pre-school education***

The Committee asked whether the State had considered increasing the budget of pre-school education to improve its quality and accessibility. The delegation admitted that pre-school had not been a priority but that a recent joint programme from UNICEF and the World Bank would make one year of pre-school education available, with the objective of offering education from the age of three years old in the longer term. The financing of these projects would mainly come from the State.

### ***School attendance***

The Committee was concerned with the high dropout rate and asked about measures taken to reduce the trend, especially in rural areas. The Committee also asked about measures taken to reduce the inequality in the quality of teaching between rural and urban areas.

The delegation stated that the completion rate was higher for girls, especially in primary schools. Part of the dropout rate could be explained by the departure of children to other countries; however, the main issue was the transfer from primary to secondary education, as some children would leave school after primary education to support their parents, especially in rural areas.

The monitoring of children who had left school had improved and a database would be created by the social services and the police to monitor the presence of the children at school.

The Committee asked about concrete measures to decrease the dropout rate, such as awareness-raising. The delegation answered that the system of integrated social services looked at individual cases and involved professionals with various competences, to identify causes for dropout and take appropriate action.

### ***Children with disabilities***

The Committee welcomed efforts made on inclusive education but asked whether the system meant that children with a disability were integrated into classrooms with all other children, or if it meant that they were educated in separate classrooms, albeit in the same schools. The Committee asked whether the final decision to place a child with a disability into an institution rested with the parents, or whether the best interest of the child would prevail in those decisions.

The delegation explained that the main policy was the inclusive education system. Measures would include the training of teachers, the assessment of the needs of a child and the improvement of infrastructure to allow schools to attain the status of inclusive schools when meeting the identified criteria. 120 schools had so far been recognised as “inclusive schools”, and around 200 children with a disability were enrolled in those schools. Parents took the final decision to send their child to a mainstream or specialised school.

## **Special Protection Measures**

### ***Child labour***

The Committee welcomed the fact that national legislation was in line with the International Labour Organisation’s standards on the minimum age for child labour, but was concerned about the implementation and monitoring of the standards.

### ***Juvenile justice***

The Committee asked for details on the current reforms of the Criminal Code and the Code of Criminal Procedure. It observed that the age of criminal responsibility was 16, which was quite positive; however, it was concerned by the many exceptions to that rule, including that children could be imprisoned from the age of 14 for some crimes. The Committee asked how a minor committing an offence at the age of 13 would be judged, as well as what sanctions for children would be included in the new Criminal Code.

The delegation confirmed that the age of criminal responsibility was 16, but could be lowered to 14 for the most serious crimes. A child below the age of 14 would not be liable under the Criminal Code, but would be registered with the police services. For a very serious crime, it was at the investigator’s and judge’s discretion to handle the case according to the law. Detention was decided for the most serious crimes and other sanctions included prevention or community work.

The Committee asked whether all tribunals had specialised judges for juvenile cases and whether those judges were appropriately trained. The delegation indicated that there was no specific justice system for juveniles. However, specific rules of criminal procedure had been developed for cases involving minors, including procedural guarantees for interrogation involving specialists, judges and specifically trained investigators. When a child was arrested, parents and the social department were informed of the arrest, and a lawyer or legal representative would be

present at all stages, either provided by the parents or by the State. A group of experts had been set up under the Ministry of Justice to develop training in police academies on aspects of juvenile justice. The new draft code contained more detailed regulation on the status of juveniles during proceedings.

The Committee asked for more information on measures to reduce pre-trial detention time. It also asked about measures to ensure that there was no mistreatment of children in detention, including a complaints mechanism available to children. The Committee was concerned about the limited structures for rehabilitation of juvenile offenders, such as psychosocial support and re-education. It also asked whether education was provided to children in detention to facilitate their reinsertion. The delegation indicated that rehabilitation centres were created with the support of UNICEF, including the involvement of a psychologist.

The delegation indicated that the length of pre-trial detention was between six and 12 months, which was the same for adults; however, the judge took into account the age of the person in relevant cases. Children were held separately from adults and girls and boys were also detained separately from each other. In addition, all children were provided with education services while in detention.

### ***Protection of child witnesses and victims***

The Committee asked whether there were measures of protection in place for child victims and witnesses, including respect for the child's privacy. The delegation indicated that the new Criminal Code would contain such protection measures. There was no specific provision on privacy for juveniles but general provisions on the right to privacy applied to all; if needed, the proceedings would be held in closed meetings.

### ***Asylum-seeking children***

The Committee congratulated the State for the basic safeguards provided to asylum-seeking children in the legislation. It asked whether travel documents would be issued for asylum-seeking children that could serve as identity documents both in private and public entities.

### ***Helpline***

The Committee asked whether the State planned to set up a free helpline for children, where instances of violence could be reported. The delegation answered that there were two helplines accessible to children and that the numbers of the helplines were disseminated widely, which was reflected by the increasing number of calls from children.

## **Concluding Remarks**

Mr Gastaud thanked the delegation and took note of the commitments of the delegation. He looked forward to the adoption and implementation of the numerous draft laws and plans of action presented during the discussion.

Mr Kirakoysan thanked the members of the Committee for their collaboration. He acknowledged that concerns remained and that some questions had not been answered due to a lack of time or availability of information. Mr. Kirakoysan expressed his gratitude to the Committee for its support, cooperation and questions. He added that Armenia was ready to provide written responses to pending questions to facilitate the drafting of the Concluding Observations by the Committee.