



**THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC
OF ARMENIA**



ALTERNATIVE REPORT

**ON THE STATUS OF COMMITMENTS UNDER THE CONVENTION ON
THE RIGHTS OF THE CHILD AND ITS OPTIONAL PROTOCOLS BY THE
REPUBLIC OF ARMENIA:**

FOR THE YEARS 2013-2024

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Introduction

The Human Rights Defender's Office of the Republic of Armenia (hereinafter "the Defender") is an Ombudsman and National Human Rights Institution with the highest "A" international status, functioning in accordance with Paris and International Principles. The Defender is an independent official who observes the maintenance of human rights and freedoms by public and local self-government bodies and officials, as well as, in cases prescribed by the law, by organizations operating in the field of public service. The Defender also facilitates the restoration of violated rights and freedoms.

The Defender also conducts the monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child adopted on 20 November 1989, as well as the UN Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006, as well as carries out the prevention of violations of the rights of the child and persons with disabilities, and the protection thereof. Furthermore, based on the amendments of the Constitutional Law in 2022, the mandate of the Defender was expanded, covering the protection of whistle-blowers. According to the latest amendments, the Defender is authorized to consider complaints from whistle-blowers and affiliated persons regarding the violations of their rights not only by public bodies and officials but also by organizations.

This report was prepared within the framework of the Defender's monitoring mandate. The purpose of the report is to present the extent to which the Republic of Armenia has fulfilled and continues to implement the recommendations of the Committee on the Rights of the Child (hereinafter "the Committee") in its 2013 concluding observations. Therefore, the report covers the period from 2013 to December 2024.

The Defender underlines that during the 44-day war in Nagorno-Karabakh in 2020, the Azerbaijani armed forces targeted civilian population of Nagorno-Karabakh and Armenia, including children. Many cases of violation fundamental human rights.

Furthermore, on December 2022, a group of Azerbaijanis in civilian clothes, posing as alleged environmental activists blocked the Lachin corridor, the only road connecting Nagorno-Karabakh with Armenia and the rest of the world. As a result, the rights of the 30.000 children living in Nagorno-Karabakh were violated as a direct result of the blockade, and the deliberate disruptions of the supply of vital supplies (foodstuffs, and medication), and critical infrastructure of Nagorno-Karabakh by the Azerbaijani side; the violations include the rights to life, health and healthcare, education, right to private and family life, and other fundamental rights were violated.

Additionally, during this period, the Defender highlights that as a result of the Azerbaijani aggression against Nagorno-Karabakh on September 19, 2023, the region was ethnically cleansed from all its native Armenian residents; thus 120.000 people, including 30.000 children were forcibly displaced from Nagorno-Karabakh to Armenia.

This situation has created additional challenges for the state in the context of the implementation of the Concluding Observations, reference about which is also made within the framework of this report.

A. Main areas of concern

1. Comprehensive policy and strategy

Measures regarding the protection of children's rights are provided by Government Decision 650-L of May 16, 2019 "On Approving the Program of Activities of the Government of the Republic of Armenia for 2019-2023", the Government's Decision of April 2, 2020 "On the Realization of the Child's Right to Live in the Family and "On approving the 2020-2023 complex program aimed at harmonious development and the schedule of program implementation measures" by Decision 432-L, as well as by Government Decision No. 1526-L of September 29, 2022 "On Approving the 2023 Annual Program for the Protection of Children's Rights", etc.

Meanwhile, none of the above-mentioned programs include all the issues of protection of children's rights, strategic directions, goals and objectives, analysis of the situation in the field of protection of children's rights, priorities, financial sources and necessary funds, as well as progress indicators, baseline and target results and monitoring of the works which will be carried out, the complex of measures reflecting the procedure, which will be the basis for the systematic, targeted, continuous and effective implementation of the state policy in the field of ensuring the rights of the child, protecting the rights of the child.

It is noteworthy that to develop such a comprehensive program, on September 13, 2023, the law "On Amendments to the Law on the Rights of the Child" was adopted, which stipulated the requirement to have a comprehensive program meeting the mentioned conditions. Moreover, through the mentioned amendment, it was also envisaged that the Armenian Government's Decision on adopting a comprehensive program should be adopted within one year after the law comes into force.

Taking into consideration the abovementioned it is necessary to ensure the adoption of a strategic document covering all issues of child's rights protection, as well as its implementation and proper monitoring.

2. Coordination

The unified State policy for the protection of children's rights and interests in Armenia is implemented through the three-level system of child protection. The system includes:

- The National Commission for the Protection of Children's Rights,
- The relevant units of the Governors' Offices of provinces and the Department of Children and Social Protection of the Yerevan Municipality,
- guardianship and trusteeship bodies.

According to the of the Prime Minister's Decision No. 1295-Ն of December 28, 2012 "The National Commission for the Protection of Children's Rights is a consultative body, the main purpose of which is to contribute to the provision of a unified state policy for the protection of children's rights and interests."

However, in this regard, it is necessary to state that to achieve the goal of contributing to the provision of a unified state policy for the protection of children's rights and interests, the National Commission for the Protection of Children's Rights needs to carry out its work with the

implementation of more effective mechanisms. There is a need to implement functional structures of vertical and horizontal cooperation in the three-level system, interdepartmental and effective, safe and systematic cooperation with the private sector operating in the sector and to ensure their monitoring. In practice, there is no application of such a mechanism by which it will be possible to highlight all the systemic problems and provide child-centered and best-interest based solutions for solving them.

Issues related to the activities of Guardianship and Trusteeship Commissions continue to remain relevant. In particular, the guardianship and trusteeship commissions still continue to operate on a voluntary basis, denying the opportunity to include specialists with the necessary and sufficient knowledge and skills. Practical problems were also recorded with the Governors' Offices of the provinces and the Department of Children and Social Protection of the Yerevan Municipality regarding the lack of sufficient knowledge in the process of implementation of the work of Guardianship and Trusteeship bodies.

The problems related to the proper professional qualification and mandatory training of the members of the Guardianship and Trusteeship Commission, ensuring interdepartmental cooperation, defining clear measures of responsibility in case of improper exercise of their powers, and planning the possibility of organizing work after working hours, continue to be relevant.

The issues related to the addition of data of children in difficult life circumstances and their families in the "Manuk" information system, and the exchange of data with the competent departments are also relevant.

Now, measures have been taken by the State in the direction of the adoption of the Law "On making amendments and additions to the Family Code of the Republic of Armenia" and other related laws; these mentioned issues are also reflected in the justifications of the steps taken.

Considering the above mentioned, it is necessary to:

- **Develop and implement more effective structures for the activities of the National Commission for the Protection of Children's Rights, providing it with the necessary powers, and the human, financial and technical resources,**
- **develop and implement strategies to improve activities of the relevant departments of the Governors' Office of the provinces and the cooperation between the Department of Children and Social Protection of Yerevan Municipality and the Trusteeship and Custodianship bodies,**
- **develop and implement strategies to improve the work of the Trusteeship and Guardianship bodies. In particular, it is necessary to define professional and qualification criteria for the selection of members of the Trusteeship and Custodianship Commissions, ensure that the members receive remuneration for the work conducted, provide compulsory training for the latter, as well as take steps to ensure the resolution of the above-mentioned problems presented by the Human Rights Defender,**
- **develop and implement a system to enter comprehensive information about children in difficult life circumstances and their families, which also provides the possibility of interaction with electronic systems of other bodies, thus guaranteeing the effective cooperation between all actors of children's rights protection.**

3. Allocation of resources

Child poverty is one of the current problems in Armenia. According to the data on child poverty published by the Statistical Committee Republic of Armenia, in 2022, 32.3 percent of children were living in poverty, and 1.9 percent, living in extreme poverty: in 2023, 31.7 percent of children were living in poverty, and 1.8 percent, were living in extreme poverty¹.

The social supports provided by the State are not enough to meet the needs of all children who need them. For instance, according to the Article 32, Part 7 of the Law "On State Benefits" of Armenia, a child living in a state institution for social protection of the population (an orphanage) is paid 50 percent of the benefit in case of loss of the person who supported him/her (food provider). While, the obligation to pay benefits in case of loss of the person who supported him/her (food provider) is not provided for children living in non-governmental institutions.

In other case, according to the Government Decision No. 1007-Ն, of June 22, 2023, in the post-care period, the State will provide financial support to only those persons who have been continuously cared for in the last 24 months prior to reaching the age of 18 in the state institution of social protection of the population operating in the Republic of Armenia which provide round-the-clock care for children. In such conditions, it is problematic to provide residential space and necessary social support on the basis of reaching age and having received continuous care in the institution for 24 months, and also failure to provide living space and necessary social support to children receiving care in other types of alternative care or non-state institutions. It is problematic to provide living space and necessary social support only on the basis of reaching the age of 18, and on the condition of having received continuous care in the institution for past 24 months, and not providing living space and necessary social support to children who have other types of alternative care or care in a non-state institutions.

It is problematic that both the measures presented by Annex 2 of the Draft (hereinafter Draft Comprehensive Plan) of the Government Decision of Armenia "On Approving the 2024-2029 Comprehensive Program for the Protection of Children's Rights and the List of Measures to Ensure the Implementation of the Program", as well as most of the measures approved by the Government Decision No. 943-L of June 8, 2023 "On approving the 2023-2027 Comprehensive Program for Social Inclusion of Persons with Disabilities and the List of Measures to Ensure the Implementation of the Program" are intended from sources not prohibited by law.

In addition, in the project of the comprehensive program, the introduction of small group houses is also planned as a target value, the source of which is the state budget.

Regarding the technical, human, and financial resources allocated to the Human Rights Defender, it is important to highlight that the Division of Children's Rights Protection is a key component of the Human Rights Defender's mandate. This division plays a crucial role in monitoring the implementation of the UN Convention on the Rights of the Child, adopted on November 20, 1989. Additionally, it is responsible for the prevention and protection of children's rights.

With the technical, human, and financial resources currently allocated to the department, the Human Rights Defender conducts monitoring to ensure that legislation aligns with the provisions of the UN Convention on the Rights of the Child. The Defender performs unrestricted visits to

¹ Available at: <https://armstat.am/file/doc/99549093.pdf>

institutions that provide care and protection for children, as well as public educational institutions. The Defender advocates for children's rights through public reports and submits recommendations to competent authorities for improving or revising legal acts, drafts, or practices related to children's rights, additionally, the Defender reviews and addresses applications and complaints related to the protection of children's rights.

In this context, it is important to emphasize that there is a continued and pressing need to enhance the technical, human, and financial resources allocated to the Division for the Protection of Children's Rights

Considering the above mentioned, it is necessary to:

- **Allocate greater financial resources to end child poverty,**
- **allocate financial resources to all children in need of social support,**
- **allocate more financial resources for the implementation of activities envisaged in the strategies,**
- **exclude the allocation of financial resources for the implementation of any measures aimed at institutionalization,**
- **allocate additional financial resources to effectively enhance the technical and human resources of the Children's Rights Protection Division of the Office of the Human Rights Defender.**

B. General principles

The right of the child to be heard

The analysis of domestic legislation demonstrates that there are still many regulations that condition the consideration of the child's opinion on the fact that they have reached a certain age.

It is necessary to review all the legislative provisions that make the child's right to be heard dependent on age, not maturity level.

For example.

According to the Family code of the Republic of Armenia, a child has the right to be present at any consideration of the issues touching his/her interests and express personal opinion in family, judicial and other bodies. Taking into consideration the opinion of the child above 10 is obligatory with regards to freedom of conscience, participation in particular events, rejection of extracurricular education, living with one of the parents, communication with relatives and other issues stipulated by law.

According to the Law on Medical Assistance and Services of the Population of Armenia, the written consent for the medical intervention of a patient who is under the age of 16 or is legally incapacitated is given by his/her legal representative, if there are no conditions stipulated by the same law, among which is also the non-submission of objections by the legal representatives in relation to the provision of information about medical care and services to the child. In these circumstances, when the legal representative objects to providing information to the child about medical care and

services, the written consent for the medical intervention of a child under the age of 16 is given by his/her legal representative.

According to the Law on Psychiatric Care and Services of Armenia, written informed consent to receive or refuse psychiatric intervention for a child under the age of 16 shall be given by the child's legal representative, except in cases provided for by the law. The mandatory condition of securing the child's opinion while providing psychiatric care and service is the only guarantee.

Currently, measures have been taken by the state in the direction of the adoption of the Law "On Amendments and Additions to the Family Code of the Republic of Armenia" of Armenia and other related laws, the justifications of which also refer to some issues related to ensuring the right to be heard, in accordance with the age and maturity of the child.

There are also problems related to the application of appropriate tools, professional skills and knowledge in listening to the child and taking his/her opinion into consideration.

For example, it is of fundamental importance to consider, and, be guided by the best interest of the child during enforcement procedures, especially in the absence of the child's desire. The Human Rights Defender continues to receive complaints about the actions of enforcement officers when they change the child's place of residence or implementing (enforcing) the order of visitation which has been established. They mainly refer to the lack of mechanisms to take the child's opinion into account and evaluate the child's best interest at the same time during the enforcement procedure.

On April 11, 2024, the new Law on Enforcement Proceedings was adopted; it will enter into force on July 1, 2025. It is noteworthy that the new legislative amendment stipulates that the enforcement officer, in accordance with the child's age and level of maturity, takes into consideration the child's opinion, without going beyond the limits of the requirement of the act which is to be executed.

It should be noted, however, that it is necessary to implement mechanisms in practice, which guarantee that the opinion of the child will be taken into consideration, and the best interest of the child will be evaluated and guide the enforcement procedure.

As for the guidelines approved by the Chief Enforcement Officer, it should be noted that it does not comprehensively regulate all relationships that arise within the framework of enforcement procedures with the participation of a child and that require mandatory regulation in the best interest of the child.

Similarly, there is a need to introduce clear tools to take the child's opinion into consideration in the case of other competent bodies related to the child, including the body monitoring the child's condition, and the Guardianship and Trusteeship bodies.

Considering the above mentioned, it is necessary to:

- **Ensure the implementation of legislative amendments that guarantee the legislative possibility to take into consideration the child's opinion in all processes related to the child in accordance with his/her age and level of maturity,**
- **develop appropriate toolkits, professional skills and knowledge for the competent authorities to hear the child and take his/her opinion into account.**

C. Violence against children

1. Treatment and corporal punishment. Protection of the child from all forms of violence

The monitoring carried out in at the Human Rights Defender's Office, and the analysis of written and verbal complaints demonstrate that despite the measures taken by the state, the introduction and implementation of clear mechanisms for the prevention, detection and response to various types of violence against children, including violence manifested through the use of information technology, remain a concern.

The recorded problems mainly refer to the lack of appropriate awareness for the identification of violence, the lack of appropriate means for the prevention, detection and response of violence, inadequate cooperation between the competent bodies, the professional training of the representatives of the competent bodies, the provision of targeted support and services to the abused child, collection of unified statistical data, and exchange of these data between competent departments, etc.

The registered issues mainly refer to the lack of appropriate awareness for the identification of violence, the lack of appropriate means for the prevention, detection and response to violence, improper cooperation between the competent authorities, the professional training of the representatives of the competent authorities, the provision of targeted support and services to the abused child, unified statistical data. collection, and exchange of these data between competent departments, etc.

It is noteworthy the adoption of the Armenian Government's Decision in 2024, which establishes the procedure for referring abused children to the appropriate authorities for protection and support, outlines the forms of support available, and details the process for providing such support, as well as the adoption of guidance for school personnel on preventing and responding to child abuse.

It should be noted, however, that the results of the monitoring conducted by the Human Rights Defender's Office demonstrate that, for example, educational institutions are often not informed about the implementation and application of the mentioned guidelines and the mechanisms provided for by it.

Considering the above mentioned, it is necessary to:

- **Holding mandatory courses and periodic trainings for all professionals working with children and responsible for the prevention, detection and response of child abuse,**
- **inclusion of topics on child abuse in educational programs of educational institutions for professionals working with children,**
- **ensuring the mandatory application of clear methodology, tools and guidelines for the detection, prevention and response of cases of violence against children,**
- **introduce clear programs for the purpose of changing the value system that encourages violence in society and institutions and stereotypes that are not in the best interest of the child,**
- **within the framework of social studies courses and other events, constantly inform children about their rights in kindergartens and schools,**

- **ensure the maintenance of separate statistics on violence against children by collecting separate information on the types of violence, gender, age, the status of the perpetrator and other important data of children subjected to violence, and their proper transfer between competent authorities, ensuring confidentiality and excluding targeting of the child.**

2. Harmful practices

The problem of early and forced marriages continues to be a concern in the Republic of Armenia. Although the problem can be encountered in the entire territory of the Republic, it is especially widespread and concerning among national minorities, particularly the Yezidi community.

Early marriages is the result of a number of reasons, such as stereotypical attitudes, latency of the problem, social problems, etc. Early marriages are also conditioned by the national traditions in the individual communities of national minorities.

Early marriages are also problematic from viewpoint of the of its negative consequences, in particular exclusion from compulsory public education, the protection of a number of rights, including health and social rights. In some cases, the negative consequences of early marriages can also be manifested in the use of violence in the family.

In specific cases, early or forced marriages indicate the presence of an act prohibited by criminal law in the context of crimes against freedom, honor, dignity, physical or mental integrity, sexual freedom and sexual integrity, and other crimes.

The implementation of steps to prevent early marriages and their consequences, including the activities aimed at the implementation of legislative amendments to increase the age limit for marriages, is considered welcome. It should be noted, however, that the initiatives to implement legislative changes aimed at overcoming the problem cannot solve the deep-rooted problems in the field alone. The steps aimed at overcoming this issue should be systematic, complete, taking into consideration the underlying reasons and the structures necessary to overcome them. In this context, the awareness raising regarding equality and the prohibition of discrimination, and activities aimed at increasing public awareness are of exceptional importance.

Considering the above mentioned, it is necessary to:

- **Carry out continuous training for persons involved in the field of education in relation to the rights of persons belonging to national minorities, overcoming stereotypes and approaches that do not comply with modern legislation in this field, the principle of equality and non-discrimination, including for the representatives of national minorities,**
- **implement large-scale public awareness measures regarding the rights of persons belonging to national minorities, overcoming stereotypes and approaches that do not comply with modern law in the sphere, and on the principle of equality and non-discrimination, including for the representatives of national minorities,**
- **introduce clear frameworks for parents to acquire parenting skills in the context of early marriage prevention,**

- **taking into consideration the fact that in specific cases early marriages indicate the presence of an act prohibited by the criminal law, guarantee the effective investigation of the cases and the inevitability of responsibility in the mentioned cases,**
- **implement public awareness activities regarding early marriages and their negative consequences,**
- **ensure the proper involvement and cooperation of state-civil society-community actors when initiating and implementing measures aimed at solving problems related to the sphere.**

D. Family environment and alternative care

1. Family environment and children deprived of a family environment

Adopting a policy of deinstitutionalization, the state is committed to ensuring the realization of the child's right to receive proper care in a family environment and with his biological parents.

Meanwhile, there are systemic issues in both legislative and practical terms that require effective solutions regarding the organization of child care in a biological family and in alternative family environments that replace familial ties. This is evidenced by the fact that lots of children, many of whom have disabilities, continue to receive care in state institutions providing round-the-clock care.

It has been observed that inadequate living conditions in the family and the lack of appropriate community-based services often hinder the organization of child care in the biological family. This sometimes leads to children being moved to institutions that provide round-the-clock care. Cases were also recorded when parents preferred the option of institutional care for a child with disabilities due to a lack of relevant skills and the unavailability of necessary socio-medical support in their area of residence. Additionally, it has been reported that children who return to their families sometimes end up back in institutions, partly due to the absence of adequate permanent living conditions.

The results of monitoring indicate that issues remain relevant in the coordination of the child adoption process, the establishment of clear procedures for providing data on children available for adoption, the protection of personal data during this process, the matching of children available for adoption with prospective adopters, the consideration of the criteria of the best interest of the child in the selection process of prospective adopters, and the absence of clear, effective, and child-centered regulations for the ongoing care of adopted children.

Systemic problems have also been recorded in the context of defining guardianship and trusteeship. In the process of defining guardianship and trusteeship, clear tools and procedures for assessment have not been introduced, decisions are often made based on subjective viewpoints, and proper ongoing monitoring is not guaranteed in practice. In cases where a guardian is appointed in the absence of both parents, there are no established procedures for regulating contact and communication with other close relatives.

Moreover, in both adoption and the establishment of guardianship and trusteeship, it is crucial that these processes involve a multidisciplinary team. Currently, the involvement of a multidisciplinary team is facilitated through the creation of guardianship and trusteeship committees adjunct to the Guardianship and Trusteeship Entities. However, it should be noted that the Office of the Human Rights Defender has recorded numerous cases where the necessary specialist was not

involved in the discussion of the issue by the guardianship and trusteeship entities because such a specialist was not included in the guardianship and trusteeship committee. According to the provided information, the inclusion of such a specialist in the guardianship and trusteeship committees has not been possible due to the committees operating on a voluntary basis.

The Office of the Human Rights Defender has also recorded cases where information about a child in a difficult situation was only made known on non-working days, making it challenging to establish contact with the guardianship and trusteeship body under such circumstances.

To guarantee the child's right to live in the family, in recent years, the state has carried out work on the formation of foster families, and measures have been implemented to improve the legal framework. However, the results of the monitoring carried out by the Human Rights Defender show that there are a number of systemic problems related to the number of foster families, the organization of foster care, monitoring and other issues regarding the formation of foster families and the establishment of the institution.

As a result of the conducted monitoring, it was registered that there are no clear strategies and measures developed for children receiving alternative care which will be aimed at ensuring the proper aftercare; by displaying individual approach, supporting children in acquiring skills aimed at leading a professional and independent life, including choosing a profession, field of activity, and supporting employment in accordance with the legislation of the Republic of Armenia.

Considering the above mentioned, it is necessary to:

- **Take active measures to exclude the practice of separating a child from his/her biological family solely as a result of unfavorable socio-economic conditions,**
- **provide factual access to socio-psychological and socio-medical support for the child, services aimed at independent living in communities, parenting skills for parents and the real possibility of receiving the necessary psychological and social support for the members of the family of the child,**
- **introduce structures that will make it possible to assess the need for monitoring after returning a child in a difficult life circumstances to the biological family, and take appropriate steps based on the results of the assessment,**
- **implement urgent measures regarding adoption, including legislative amendments aimed at improving the process of foreign adoption and the introduction of functional structures.**
- **provide by legislation a mandatory condition for assessing the computability of a person and a child in the selection of a guardian and trustee,**
- **introduce clear assessment tools and structures in the process of determining guardianship and trusteeship, excluding decision-making based on subjective positions,**
- **introduce structures that will make it possible to make contact with other relatives of the child an object of observation and evaluation in cases when the child is in the custody of guardianship and trusteeship bodies,**
- **exclude inaction on the part of the guardianship and trusteeship bodies and properly evaluate the issues related to the transfer to guardianship and trusteeship in case of each child,**

- ensure the involvement of necessary specialists in each case of assignment of guardianship and trusteeship,
- provide a legal basis for the implementation of work on non-working days and hours by guardianship and trusteeship bodies,
- highlight the issues underlying the incomplete establishment of the institution of guardianship and provide their objective solutions, ensuring the realization of the child's right to live in a family environment and excluding the continuous practice of organizing child care in institutions,
- develop and implement clear strategies and measures for children receiving alternative care, which will be aimed at supporting the acquisition of skills aimed at leading a professional and independent life by showing an individual approach to children, including choosing a profession, field of activity, and supporting job placement.

E. Disability, health and welfare

The number of children with disabilities receiving care in specialized institutions is increasing due to the difficulties of returning to the biological family, foster care and adoption. The issue of further care for persons with disabilities in children's homes after turning 18 remains unresolved. Usually, it is organized in the children's home in the absence of other solutions.

It is problematic that sometimes parents prefer the provision of the care of their child with disability in an institution as a result of not having the necessary skills, the lack of the opportunity to receive medical, social, psychological and other community services necessary for the child in their place of residence, and as a result of the lack of independent living centers.

It is concerning that according to the analysis of the information provided by the competent state body, the majority of child abandonment cases are due to children's health problems.

During the monitoring visits, legislative and practical problems were also registered regarding the provision of child care and protection in institutions. For example, to prevent the occurrence and spread of mass infectious diseases and food poisoning caused by nutrition, as well as to prevent mass non-infectious diseases, it is forbidden to include sausage and coffee in the assortment of food provided to children, while in another case, they are included.

Despite the steps taken by the state, problems were also registered in ensuring the right to education for children with disabilities. In particular, it is problematic that some children with disabilities continue to receive education in a separate environment. Moreover, the society, including the parents of children receiving education in the mentioned institutions, consider it more appropriate for their children to receive education in separate conditions than to attend public educational institutions under equal conditions with others, because the structures which are introduced by the state are not complied with in full.

Even more problematic is the fact that cases continue to be revealed where children are excluded from compulsory education or are homeschooled due to their disabilities. It was registered

that the effectiveness of the education of home -schooled students was not always ensured; thus, the right to education of children in this regard is only formally guaranteed. In some provinces, there are problems in guaranteeing the right to education of children with special educational needs due to the lack of professional resources, such as speech therapists and other specialists.

Ensuring accessibility, including access to educational institutions, transportation, and the necessary amount of educational materials, remains a systemic problem.

It is problematic that cases have been registered where parents have refused to send their child to school, fearing that their child may be targeted by classmates, or they do not want their child to study in the same class as children with special educational needs.

Considering the above mentioned, it is necessary to:

- **Along with the deinstitutionalization process, implement social programs for the biological families of children with disabilities,**
- **implement continuous and professional programs for specialized foster families,**
- **implement programs aimed at the development and creation of community-based multi-sectoral (health, education and social) services. Exclude the provision of low-quality or paid services to children with disabilities,**
- **develop a monitoring mechanism that will allow setting minimum requirements for service quality and evaluating the quality of services and supplies provided,**
- **make the services provided to children in difficult life situations or/and with disabilities available to all children in all Regions,**
- **provide community-based services in each community, including through appropriate centers, which will ensure continuous provision of services for persons with disabilities and parents of children with disabilities throughout the life cycle, from early childhood to adulthood,**
- **ensure full provision of appropriate services for persons with disabilities in day care centers (care, development, rehabilitation therapies, services of medical professionals),**
- **ensure availability and accessibility of health care services for children with disabilities and the members of their family at the community level,**
- **it is necessary to develop and adopt regulations based on comprehensive and international instruments, guarantee the rights of the child to have the necessary living conditions for his life, development, health care, protection from violence, physical, mental and spiritual full development in the process of implementation of child care and protection,**
- **implement a comprehensive study of cases of child abandonment, highlighting its factual causes. Based on the results of the study, introduce clear mechanisms to combat violence against children, ensure the accessibility of all educational institutions, physical environment, including buildings and structures, especially newly constructed and reconstructed infrastructures, and the transportation system,**
- **take urgent measures to ensure the provision of reasonable accommodations for children with disabilities, guaranteeing the realization of the right to education of each child with an individual approach.**

- ensure accessibility to information and communication in educational institutions by involving necessary quantities and quality of materials, textbooks, and equipment,
- take measures to ensure that education is directed towards the full development of individuals with disabilities' personalities, talents, and creative abilities, as well as their intellectual, physical, and communicative capacities,
- ensure the involvement of a multidisciplinary team in the educational process and their continuous training,
- organize regular meetings with children with special educational needs and their parents to study the problems raised by them and make the educational process more inclusive;
- promote and ensure the active participation of parents in the process of assessing the educational needs and opportunities of children with disabilities,
- expand existing community-based services in order to provide appropriate services to children and young people with disabilities,
- increase the effectiveness of interdepartmental cooperation in the field of protection of children's rights.

F. Education, leisure and cultural activities

The issue of bad condition of the infrastructures of general as well as preschool educational institutions, including heating, water and sanitary conditions, remains problematic in Armenia. Schools in rural areas are the most vulnerable in this regard. This issue has always been raised in the annual and ad hoc reports of the Defender.

According to the Ministry of Territorial Administration, 44 projects on water improvement were implemented in schools of Aragatsotn Region (Marz).

In 2022, the Defender's Office monitored schools and preschools in the villages of Azatamut, Baghanis, Kirants, Voskepar, Nerkin Karmiraghbyur, Norashen, Movses, Aygepar, Chinari, Aygedzor, Artsvaberd, Choratan, Berkaber, Barekamavan, Sarigyugh, Koti and problems with the access to drinking water and toilet facilities have been reported in almost all mentioned areas.

During 2023, the members of the Public Council on Children's and Youth Rights adjunct to the Defender also submitted observations regarding the inadequate building conditions of educational institutions. In particular, they reported that there is no gymnasium in their schools or the gymnasium has been transformed into a warehouse (storage room), and the bathrooms are in poor condition and are not adapted for persons with disabilities.

Issues related to availability to pre-school and general educational institutions were registered. For example, it has been registered that in a number of communities of the provinces of Armenia, preschool educational institutions do not exist. Moreover, community preschool educational institutions in the provinces of Armenia are not free (payment of fees is required), in which case, depending on the child's social status, the child's opportunity to receive preschool education may be limited.

One of the most important initiatives implemented by the state regarding the above-mentioned is the building, renovation or repair of schools and kindergartens within the framework of the "300 schools and 500 kindergartens to be built, renovated or repaired by 2026" program.

There is a need to introduce more clear processes of identification, guidance and effective structures of continuous oversight of children left out of compulsory education.

The study implemented regarding the objective standards of public educational institutions demonstrate that there are legislative regulations that provide an opportunity, in practice, to learn weapon using skills in educational institutions.

It is also important to ensure the right to education of children displaced from Nagorno-Karabakh to Armenia. As a result of the 44-day war of 2020, people were forced to leave their homeland, where children were provided with opportunities to receive education. According to the information published by the relevant Ministry, during the mentioned timeframe, more than 24,000 children of Nagorno-Karabakh were deprived of the opportunity to exercise their right to education by attending school².

Similarly, 120,000 people, including 30,000 children, who were severely starved, malnourished and deprived of all vital commodities during the nearly 9-month siege of Nagorno-Karabakh, and their physical existence was threatened as a result of the military aggression unleashed by the Azerbaijani armed forces on September 19, 2023.

The State has taken many steps to ensure the realization of the right to education of the displaced children, the latter have been placed in schools without any obstacles or administrative processes. At the same time, in some cases, it was necessary to take a more individual approach, taking into account the special needs of the children.

Considering the above mentioned, it is necessary to:

- **Increase the budget allocations for improving the infrastructure of schools and preschools,**
- **introduce a strong pre-school system by implementing all possible measures to make pre-school education compulsory,**
- **take active measures to guarantee the availability of pre-school educational institutions,**
- **provide all settlements of the communities of Armenia with schools with a license to accommodate the necessary number of children, and ensure the transportation of children in cases when the school and the place of residence of the child are located far from each other,**
- **develop effective mechanisms to permanently eliminate the risk of children being excluded from compulsory education and to ensure the continuous realization of the right to education,**
- **establish control procedures over the entire process, including clear deadlines for restoring a child's school attendance,**
- **conduct awareness and ongoing socio-rehabilitative work with parents and children, particularly in families where a child is excluded from education by parental decision,**

² Available at: <https://escs.am/am/news/7292?fbclid=IwAR2gTSVOYMQy1fYvJ2D7NjTLr7PGaU-H3VSDop4pL-O74C9Ef1ZVJUFUqo>

- **develop support programs aimed at addressing the causes of children's exclusion from education, Improve inter-agency cooperation in the process of identifying and guiding children who are excluded from education, enhancing the skills of related professionals,**
- **take measures to align the subject (subjects) related to military training in educational institutions with international standards on children's rights,**
- **invest greater efforts in ensuring the realization of the right to education for children forcibly displaced from Nagorno-Karabakh and providing targeted support.**

G. Other special protection measures

1. Unaccompanied, asylum seeking and refugee children

In 2015, legislative amendments have been made to the Law on Refugees and Asylum of Armenia. It stipulates new approaches to define the status of unaccompanied and separated children and the relevant safeguards deriving from such status. First of all, the Law defines the concepts of “asylum seekers and refugees with special needs” covering asylum seeking children or persons with disabilities or pregnant women or single parents with minor children. Also, the Law provides the definition of the concepts “unaccompanied child” and “separated child”.

The above-mentioned legislative amendments are positive and child-centered. They will significantly increase the protection level of the mentioned vulnerable groups. However, there are still problems in the field that hinder the proper realization of children's rights. Asylum procedures are carried out by the State Migration Service, which has the authority to identify unaccompanied and separated children as asylum seekers, as well as to immediately assist them in their care, placement, appointment of a guardian and other urgent issues. According to the mentioned law, the appointment of a guardian for unaccompanied or separated minor asylum seekers is made within seven working days after receiving the petition, in such circumstances that this process must be carried out immediately, ensuring the best interest of the child.

Within the framework of the 2023 annual report of the Human Rights Defender, the problem of the lack of free translation during the interview in the state bodies accepting asylum claims continued to be recorded in such conditions that the Migration Service is obliged to provide a free translation during the interview in the cases defined by law.

There are also difficulties in the identification, age assessment and provision of targeted services for unaccompanied and separated children in the migration process.

Special attention was paid to the issues of ensuring the realization of the rights of children forcibly displaced from Nagorno-Karabakh as a result of Azerbaijani actions, in particular, the issues of guaranteeing children's rights were considered from the point of view of admission of children in RA, identification of unaccompanied and separated children, age assessment, organization of services in rapid response humanitarian centers, building and living conditions of the provided accommodations and their compliance with the characteristics and needs of the child.

The efforts undertaken by the state to protect the rights of forcibly displaced children under these emergency conditions are highly appreciated. However, it should be noted that efforts to ensure

the social, emotional, and moral well-being of each child, as well as to support their physical and mental development, need improvement and should be continuous.

Considering the above mentioned, it is necessary to:

- **Improve the processes of identification and age assessment of unaccompanied and separated children, ensuring the proper identification and provision of targeted support to persons in the vulnerable group,**
- **implement measures to ensure that unaccompanied and separated children are provided with care in a family environment within a short time frame,**
- **implement measures to ensure the transmission and receipt of information in a language and by means which are available to children in migration processes,**
- **implement ongoing measures to ensure the social, spiritual and moral well-being of every child forcibly displaced as a result of Azerbaijan's actions, as well as to support their healthy physical and mental development.**

2. Economic exploitation, including child labour

The Constitution and legislation of Armenia define numerous substantive provisions for the worst forms of child labour that are consistent with the requirements of the UN CRC. Prohibition of compulsory and forced labour is prescribed by the Constitution, Labour Code and Criminal Code. Responsibility for accepting or allowing employment in violation of the requirements established by the legislation is also provided by the Code of Administrative Offenses.

It should be noted, however, that the fact that there is no unified national effective system for child labour reporting and complaint, nor any child-friendly reporting mechanism is still relevant. Also, there are no control and monitoring affective mechanisms for protection of the rights of children involved in the worst forms of labour.

The Defender received alerts about the involvement of children by adults in begging.

Considering the above mentioned, it is necessary to:

- **Ensure the continuous and effective cooperation of the police, local self-government bodies and social services in order to guarantee the detection and provision of assistance to children engaged in begging,**
- **take steps to ensure the introduction of a unified national effective child labor reporting and complaint system, implementation of child-friendly reporting and effective oversight and monitoring mechanisms for the protection of the rights of children involved in the worst forms of labor,**
- **carry out activities aimed at raising awareness about the worst forms of child labor for children, parents (guardians), staff of institutions that provide care and protection, staff of competent authorities, educational institutions, social workers and case managers.**

3. Administration of juvenile justice

One of the most important measures taken in the field of juvenile justice is the creation of 2 Barnahus rooms (Yerevan and Kapan cities).

It should be underlined, however, that there are a number of problems in the efficient use of Barnahus rooms. In particular, not all provinces have Barnahus rooms. The rooms created in Yerevan and Kapan cities are not equipped with the possibility of conducting examinations, and there is a lack of specialists with knowledge and relevant skills.

Issues were also registered regarding the ensuring the rights of minors under house arrest. In particular, it was registered that there are no structures to guarantee the realization of the right to education of children under house arrest.

As part of the activities of the Defender as a National Preventive Mechanism, problems related to the guaranteeing of children's rights were also registered, including issues related to the surface area of the living space for children deprived of their freedom kept in the penitentiary institution, and the lack of separate cells for keeping children in the place of arrest.

Considering the above mentioned, it is necessary to:

- **Take measures in the direction of ensuring child-centered approaches and conditions in the process of organizing the interrogation of each child victim and witness, by establishing Barnahus rooms in other provinces as well, taking into consideration the relevant standards,**
- **develop and implement clear structures for ensuring the right to education for children under house arrest,**
- **provide decent conditions of detention for children deprived of their freedom.**

H. Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The Law on Ratifying the Optional Protocol to the Convention on the Rights of the Child of Armenia on a communications procedure was adopted on January 19, 2021.

Considering the above mentioned, it is necessary to:

- **Develop clear procedures for submitting communications to the Committee in a child-friendly format, carry out extensive public awareness of the Protocol, paying particular attention to the awareness of children that are receiving care in child care and protection institutions.**