



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-third session

Summary record of the 1790th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 29 May 2013, at 10 a.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties

Third and fourth periodic reports of Armenia

* No summary records were issued for the 1787th, 1788th and 1789th meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties

Third and fourth periodic reports of Armenia (CRC/C/ARM/3-4; CRC/C/ARM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Armenia took places at the Committee table.*
2. **Mr. Kirakosyan** (Armenia) said that Armenia had worked hard to implement the Convention and to act on the recommendations made by the Committee since the consideration of the country's previous report, in 2004. It had in 2005 ratified the first two Optional Protocols to the Convention on the Rights of the Child, respectively on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and had since then adopted numerous laws to bring its domestic legislation closer into line with the requirements of the Convention and those instruments. At the end of 2012 the Government had adopted a strategic action plan covering all areas of children's rights for the period from 2013 to 2016. The authorities were pursuing a three-tiered strategy aimed at creating an atmosphere conducive to the implementation of international treaties at the local, regional and national levels. In concrete terms, the strategy had resulted in the assignment of special officers at the local level to monitor issues related to children's rights and in the establishment of an integrated social services framework to maximize social protection. In the past five or six years Armenia had, in accordance with the Committee's recommendations, further developed prenatal and postnatal care services and increased budgetary support for hospitals to improve mother and child health care. The Government had also adopted a specific plan of action for child nutrition, and with help from the United Nations Children's Fund (UNICEF) had begun drafting a new Code of Criminal Procedure which would introduce provisions relating to the specificities of young offenders and create posts of juvenile judges where there had previously been none.
3. Juvenile crime in Armenia was quite rare, but the Government understood the importance of establishing a juvenile justice system and was now taking steps to ensure proper treatment of minors in pretrial and criminal proceedings. For example, a number of draft laws currently under consideration would ensure more complete separation of minors from adults in the prison system. Other legislative bills currently before the parliament addressed questions related to child nutrition, reproductive health, increases in social benefits for large families, equalization of the legal age of marriage for both sexes and the introduction of a legal definition of torture and corporal punishment.
4. The Government placed a great deal of importance on the value of the alternative reports issued by civil society and non-governmental organizations for use by treaty bodies and welcomed reference to them in the discussion with the Committee.
5. **Mr. Gastaud** (Country Rapporteur), noting that children accounted for one third of Armenia's population, welcomed the efforts made by the Government to bring its law into conformity with international standards by acceding to the first two Optional Protocols, and asked if the Government intended to sign and ratify the third Optional Protocol, on a communications procedure. Armenia had also acceded to a host of other human rights instruments that were directly applicable to children's rights. The Government had made substantial amendments to the domestic law to bring it into line with those instruments and had instituted structural reforms, for instance by establishing a comprehensive social services structure in 2010 and by setting up a strategic plan for the protection of children's rights for the period from 2013 to 2015. Noting that a large number of Government administrations and services had been consulted for the drafting of the country's report, he

asked why non-governmental organizations (NGOs) had neither been consulted nor included in the drafting procedure.

6. There was currently no single legislative act covering children's rights in a comprehensive manner. Such provisions were scattered in a number of laws. Were there plans to draw up a single law on the topic? According to the information available to him, while some work had been done to make children's rights better known, teachers, judges and other professionals working with children did not receive instruction on the Convention in particular or on children's rights in general during their training, and the concluding observations issued by the Committee in 2004 had never been translated into Armenian. Had the Convention ever been invoked in court or cited as a basis for a court ruling?

7. Given the current economic slump and attendant budget cutbacks, what had been done to maintain appropriations for children's services? Had the outcomes of previously financed programmes been analysed? The Committee had heard that in some regions girls as young as 14 years of age had been married off by their parents. What steps had been taken to combat the illegal practice of early marriage? Lastly, noting that the subject of religion was compulsory in school and covered only the Armenian Apostolic Church, he asked what steps were taken to ensure the right to freedom of religion of children from religious minorities.

8. **Mr. Mezmur** (Country Rapporteur), noting that a human rights Ombudsman's Office had been established following the adoption of the Human Rights Procurator Act of 2004, asked what powers the Office had and whether any efforts had been made to make children aware of its existence and mandate. The delegation should inform the Committee of the efforts made to ensure better coverage of birth registration, especially for children born at home and children from minority communities, and should report on efforts to combat violence against children in all settings, for example by including the subject of violence in school in the curricula and teacher training programmes and by making it clear that the relevant articles of the Family Code should be applicable in all situations. The Committee had received alarming reports of ill-treatment of children in institutions such as orphanages and boarding schools. What specific steps were taken by the Government to monitor conditions at such places?

9. **Ms. Aidoo** asked to what extent the Government cooperated with civil society organizations in the formulation of policies, strategies and programmes to support children's rights, in particular by disseminating information on the Convention, raising awareness or training professionals.

10. **Mr. Gurán** asked about the status, competence and structure of the Office of the Human Rights Defender. How many people in the Office were working in the area of children's rights? What had been the outcome of the report published by the Office in 2008? The delegation should provide more specific information on the means available to children for filing complaints. He also asked whether the National Commission for the Protection of Children's Rights set up in 2005 was still in operation. If so, he would appreciate information on its activities and membership.

11. **Mr. Madi**, noting that children under the age of 14 were naturalized automatically along with their parents, asked why the State party had decided to exclude children aged 15 to 18 from their parents' naturalization applications.

12. **Ms. Al-Shehail** asked what was being done to ensure that the views of the child were taken into consideration in practice and to train professionals to encourage children to express their opinions, for example through the institution of a youth parliament. What efforts had been made to encourage a positive attitude towards the capacities and attitudes of children? Were health workers, educators and legal experts trained to detect cases in

which children were reluctant to report violations of their rights because of intimidation or threats and to provide them with a supportive environment?

13. **Mr. Kotrane**, noting that Armenian domestic law recognized that international treaties took precedence over national legislation, asked whether there had been any cases in which the Convention had been cited by judges. Did the State party plan to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure? Noting that the report referred to the “legitimate” interests of the child, he asked whether such a concept differed from the best interests of the child, and if so, how.

14. **Ms. Wijemanne** asked whether, in the current context of economic hardship, the Government had plans to maintain or increase the resources allocated for health, education, alternative care and family support and protection programmes that benefited children, including children in institutions. The Committee had received information that gender discrimination was a problem in Armenia and was reflected for example in prenatal sex selection, the institutionalization of girls and early marriage. What steps were being taken to address such discrimination?

15. **The Chairperson** expressed concern about gender discrimination in Armenia, which was reportedly pervasive. The Government had mentioned policies, strategies and legislative action to work against such discrimination in its written replies to the list of issues, but the delegation should describe the specific and practical measures taken. The share of the State budget allocated to education and health had apparently decreased. It was all the more important in a context of economic crisis and limited budget resources to maintain or increase the proportion allocated to services for children.

16. **Mr. Kotrane** enquired about non-governmental organizations’ scope for action, in particular those working in the fields of human rights and the rights of the child. The delegation should describe the relationship between civil society organizations and the authorities. The Committee would also like to receive more information on the status of the memorandum of understanding signed between the Armenian National Assembly and UNICEF aimed at drafting legislation to protect children. Was a child protection code being drawn up? In 2012 the authorities had apparently proposed the adoption of a code to protect persons with disabilities. What was the status of that initiative?

17. **Mr. Mezmur** noted that the history of the Armenian Apostolic Church was a compulsory subject at school and asked what efforts had been made to ensure the right to freedom of religion and conscience of children from religious minorities.

The meeting was suspended at 10.55 a.m. and resumed at 11.25 a.m.

18. **Mr. Kirakosyan** (Armenia) said that the Government had ratified the Convention on the Rights of Persons with Disabilities and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). It was also close to concluding the ratification process for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. With regard to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the issue was not currently on the agenda but would be considered in the future.

19. **Ms. Soudjian** (Armenia) said that the process of preparing periodic reports, including those submitted to the Committee, normally involved an exchange on the final draft with NGOs during round-table discussions. The Committee’s recommendations were translated by the Ministry of Foreign Affairs and distributed to the relevant agencies and institutions. The UNICEF office in Armenia had also translated the recommendations.

20. The work of the division of the Office of the Human Rights Defender which dealt with children's rights covered a large spectrum of activities, including those relating to homelessness and begging, legislative gaps and cooperation with NGOs in the field of children's rights. The unit's main objectives were to monitor the implementation of the Convention on the Rights of the Child, assess the authorities' compliance with the Convention's provisions, propose legislative reforms and identify best practices. It also considered individual cases, was involved in developing regional strategies to prevent HIV/AIDS and monitored the protection of children's rights in alternative care settings and the implementation of the national preventive mechanism for the prevention of torture.

21. **Mr. Gurán** enquired as to the number of staff employed in the division for children's rights and asked about their specializations. He also asked whether children had access to the Office, whether they could file complaints and how they could obtain information on the complaints procedure.

22. **Ms. Soudjian** (Armenia) said that the division's regular staff consisted of a single official, and that the psychologist working for the Office also provided assistance.

23. **Mr. Kirakosyan** (Armenia) said that in recent years the budget of the Office of the Human Rights Defender had regularly increased. Moreover, a national action plan on human rights currently being drafted would develop and improve the work of the Office still more, further increasing its budget.

24. **Ms. Soudjian** (Armenia) said that various measures had been taken to improve the status of women and eliminate gender discrimination. Those efforts were now reflected in the draft legislation on equal rights and opportunities. The bill had been adopted by the National Assembly and was currently awaiting the President's approval. The aims of the new legislation included ensuring gender equality in all spheres of life, providing legal protection from discrimination and supporting the relevant civil society activities. It addressed a range of issues, including balanced economic and political participation and the effective implementation of gender-related policies.

25. Problems had arisen in the implementation of the national gender equality mechanism. To ensure its proper functioning, it was important for the mechanism to operate at the highest levels of government. Previously, related functions and activities had been delegated to the Department for Women, Children and Family Issues in the Ministry of Labour and Social Affairs. However, it was envisaged that the Council on Women's Affairs, established by the Prime Minister, would take on responsibility for monitoring the national machinery in the field of gender policy and for promoting the advancement of women.

26. **Mr. Kirakosyan** (Armenia) said that children had access to the Office of the Human Rights Defender, as the relevant legislation provided that any person, regardless of age, could make representations to the Office.

27. **The Chairperson**, noting that the State party appeared to be taking steps to establish a national gender equality mechanism, asked what measures were being taken to change people's attitudes and views. What measures existed to facilitate children's access to the Office of the Human Rights Defender? For example, was it possible to contact the Office via the Internet? Although the national legislation provided that any person could petition the Office, she wished to know whether it was accessible in practice and whether children actually filed complaints.

28. **Mr. Kirakosyan** (Armenia) said that one of the steps taken to make the Office more accessible, including to children, involved the opening of regional offices. Information on the Office's work was available on its website.

29. **Ms. Saribekyan** (Armenia) said that increased quotas had made a significant difference in improving gender equality. Gender equality was discussed in the parliament; political rights were enshrined in the national legislation; and seminars and training programmes to encourage female leadership were conducted by an NGO.

30. **Mr. Kirakosyan** (Armenia) pointed out that the majority of the Armenian delegation were female. Steps had been taken to promote gender equality, and those measures were having an impact on Armenian society.

31. **Ms. Duryan** (Armenia) said that the police force had adopted a clear gender policy. Approximately half of the staff in the unit handling juvenile matters were female, and the police training academy had begun paying attention to gender equality in its admissions requirements.

32. **Ms. Saribekyan** (Armenia) said that budgetary funding for social services and health care had indeed decreased. However, one of the main reasons for that decline had been a drop in the birth rate. During the crisis in 2009 and 2010, budgetary allocations for activities relating to women and children had, in fact, increased. In terms of access to health care, children under 7 received free hospital care, while children under 12 had access to free medical services at public health establishments. Women also had access to free reproductive medical care. In recent years, there had been a three-fold increase in allocations for reproductive health, and women had access to free care from the twenty-third week of pregnancy. Previously, only a small percentage of women had been aware that such care was available free of charge, but since the introduction of a campaign to make the benefit known there had been a 10-fold increase in the use of such services. An increase in wages paid to medical personnel had also helped to combat corrupt practices. Allocations for children's hospital services had also increased. All children were issued with medical certificates.

33. The provisions of the Act on the Rights of the Child and the Act on Medical Assistance clearly established that it was the parents who were responsible for decisions relating to the medical care of children. New legislation adopted on reproductive health stipulated that adolescents under 18 had the right to receive medical information without the presence of their parents. However, if children needed specific medical care, the consent of the parent or guardian was required. The only exception was if a child required emergency care. Such care could be provided if authorized by two or three medical personnel, without the need to contact the parents.

34. Measures had been taken to address the issue of the registration of home births, and progress had been made. The number of home births had fallen significantly and now represented less than 1 per cent of all births. The problem of ensuring that registration and identity documents were issued had thus been alleviated, as all children born in medical establishments automatically received birth certificates. In 2010, a commission headed by the deputy Prime Minister and including representatives of the health and education sectors had undertaken work to improve the birth registration system. The health-care services now collected information on pregnant women without passports and passed it on to civil registration units and guardianship bodies to ensure that the relevant paperwork could be prepared before the children were born. Women's advisory services also worked to encourage expectant mothers to obtain the relevant documents. At 23 weeks, pregnant women were provided with a pregnancy certificate and informed of the need to obtain a passport. Specific documents were issued to women who did not have passports when they were released from maternity wards. The documents enabled them to return at a later date to have their photos taken and obtain booklets containing the relevant information for registration. The aim was to facilitate registration, verify the identity of the mother and baby, and prevent illegal adoption. As a result of such measures, the number of children without passports had been halved and currently stood at less than 1 per cent. Nevertheless,

more remained to be done. The absence of relevant documents did not prevent access to medical services, as polyclinics provided treatment for children regardless of their status, and emergency care was provided without the need for registration.

35. **Ms. Ghazaryan** (Armenia) said that the Ministry of Labour and Social Affairs had a national research institute, one of the functions of which was to provide ongoing training for specialists, including those working in law enforcement in the municipalities, and NGOs. The training included discussions on the Convention and on ways to ensure compliance with its provisions. There was also ongoing monitoring of the knowledge and qualifications of specialists at various levels. The Government had recently decided to introduce an integrated social services system with a specific focus on family issues. Particular care was being taken to retrain staff who would shortly start working as case managers. As part of the preparation of the system, NGOs had been working closely with the Government to draw attention to children's rights. All discussions with civil society involved specialists in various fields, including some who worked directly with children. It was of the utmost importance for specialists in the field to be familiar with all the relevant documents and legislative provisions.

36. Since its creation in 2006 the National Commission for the Protection of Children's Rights had been working to overhaul key documents, policies and action plans. Convinced that close supervision was vital to effectiveness, it had established a working group to regularly monitor the situation of children in institutionalized care and in the family environment and to assess the success of reforms. The Commission worked closely with community and regional-level institutions that constituted the vital first links in the care chain. Close cooperation between the three interlinked tiers ensured that the authorities had a comprehensive overview of what was working and what remained to be done and that no child in a difficult situation fell through the social safety net.

37. **Mr. Gastaud** asked how cooperation between the three tiers was organized and whether local mechanisms existed in all parts of the country, including in isolated areas.

38. **Ms. Poghosyan** (Armenia) said that all communities in the country without exception were covered by local officials with responsibility for children's issues. The three tiers of the care system cooperated on both a bottom-up and a top-down basis and exchanged information freely and uncritically. Information about children at risk obtained directly at the local level was referred up the chain to the regional bodies, which were better resourced and thus better equipped to respond appropriately and comprehensively. Any problem not resolved at the regional level was referred to the Ministry and, in particularly important or sensitive cases, also to the National Commission for the Protection of Children's Rights. NGOs also made valuable contributions to the care and protection of children. The Act on the Rights of the Child established that all children should be protected from cruelty, inhumane treatment and deprivation, and amendments to the Family Code that would ban all forms of corporal punishment were under consideration.

39. **Ms. Winter** asked how many cases of violence against children had been reported, how many family members and institutions had been indicted and how many had been convicted.

40. **The Chairperson** asked whether the amendments planned to the 2005 Family Code would include an absolute ban on all acts of violence within the family, however small.

41. **Mr. Kirakosyan** (Armenia) said that a bill on domestic violence had been drafted but that its submission to the parliament had been postponed pending a full review of the Criminal Code and the Administrative Offences Act. Those two instruments contained copious provisions dealing with violent offences, including battery, sexual violence and offences against the sexual inviolability of children, and the new bill had to be consistent with them. A comprehensive legal reform package would be submitted to the parliament

once the review was complete. Although corporal punishment was prohibited in both the Family Code and the Act on the Rights of the Child, neither instrument set out penalties and sanctions.

42. **Ms. Duryan** (Armenia) said that structural changes had been made in the police force in early 2013 to enhance prevention and victim support mechanisms. A new department had been created to ensure respect for the rights of children and prevent violence against them, as well as to combat youth offending. The police kept detailed statistics about domestic violence cases, including all cases of violence against children. In 2012 investigations had been conducted in 120 cases of physical or sexual violence against children, including 8 cases of violence in the family environment, 1 of which had involved incestual rape and had resulted in an appropriately severe sentence for the perpetrator. Each year the courts also heard one or two cases of teacher-pupil abuse.

43. **Mr. Cardona Llorens** asked what the outcome had been in cases where violence had occurred outside the family environment.

44. **Ms. Winter** asked how many of the 120 cases had not involved sexual violence and whether there had been any prosecution in those cases.

45. **Ms. Duryan** (Armenia) said that criminal charges had been brought against the perpetrators in all 120 cases. Around 50 of the offences were of a sexual nature, but the majority did not involve rape. Often the cases related to sexual acts involving minors under 16 years old and ended with the marriage of the parties concerned.

46. **Mr. Gastaud**, expressing concern about the large number of minors affected by alcohol, tobacco and drug addiction, asked whether the prevention programme launched in 2009 had been extended and whether any other action had been taken to curtail the phenomenon. Information about the State party's efforts to address the reportedly high level of obesity and the rising suicide rate among adolescents was also needed. He had a number of concerns related to education: the school dropout rate was particularly high among girls; a large number of children were unable to exercise their right to education, especially in rural areas where they were obliged to work in agriculture or other family enterprises; the quality of schooling varied, but for the most part was mediocre; and evaluations essential to improving the quality of schooling and ensuring that children's educational needs were met were carried out only infrequently, and with a limited scope. How was the State party addressing those shortcomings?

47. Noting that the age of criminal responsibility was 16 years but that the Criminal Code allowed derogations from that threshold for certain offences, he asked whether children aged under 16 could thus be tried as adults. Did all the courts in the country have specially-trained juvenile judges? Would the reform of the criminal justice system address the lack of specific provisions for children? The report referred to "alternative" rehabilitation centres for children but provided little context and did not make it clear how those centres differed from other juvenile detention centres. Lastly, he asked what the maximum permitted length of pretrial detention was and whether any changes were planned to the pretrial detention regime for minors.

48. **Mr. Mezmur**, commending the State party's efforts to increase support for families in need, said that one of the main challenges was the understanding of the term "children without parental care". The meaning of the concept needed to be made clear in policy and in law. Reports indicated that only around 10 per cent of children in institutionalized care were actually orphans. He would like to know in that connection: whether the three-tier system introduced since the 2004 review had brought tangible improvements to child protection mechanisms and the status of children deprived of a family environment; whether the best interests of the child always overrode parental interests in decisions relating to care; and whether a review of adoption policy and procedure was planned

following the State party's participation in the meeting of the Expert Group on the Financial Aspects of Intercountry Adoption in the Hague.

49. In the field of health care, his concerns included chronic malnutrition, the low rate of exclusive breastfeeding, the disparity of access to health-care services between urban and rural areas and reports that intensive neonatal care was available only in the capital. He asked whether funding constraints had a direct bearing on those problems and, if so, whether alternative health-care financing schemes might be envisaged. Although commendable progress had been made in stemming mother-to-child HIV transmission, it should be possible to eliminate it completely. What was the State party doing to achieve that goal? Was adequate counselling available for mothers who gave birth to HIV-positive children?

50. With regard to education, he asked whether schools in communities with sizeable minority populations organized awareness-raising activities to promote respect for other cultures and religions; what the State party was doing to increase the availability, quality and accessibility of preschool education; and whether the Government planned to implement intersectoral programmes to monitor out-of-school children and policies to encourage their inclusion or reintegration in education. Lastly, he urged the State party to establish a single, national toll-free hotline for reporting violence against children and to ensure that all children, including refugees, asylum seekers and stateless children, were issued with identity documents that were recognized by all public and private entities.

51. **Mr. Cardona Llorens** expressed concern about the persistent and widely held perception that disability was a kind of punishment or a source of shame. Such views prevented children with disabilities from exercising their rights on an equal footing with others and often resulted in their institutionalization or social exclusion. Public awareness-raising and sensitization measures were needed to fight those prejudices, especially in rural areas. With a large proportion of children with disabilities either in special schools or not in school at all, action to combat educational barriers was also apparently necessary. Were children with disabilities who were in mainstream schools genuinely integrated? Did they attend the same classes as their fellow pupils? How many special education teachers were working in State schools? How were staff trained to promote diversity, and how did the authorities ensure that the child's best interests were respected in decisions on their schooling, given the frequent parental preference for special schools that offered higher levels of assistance?

52. **Ms. Herczog**, noting the stigmatization resulting from the continuing reference to residential children's homes as orphanages, called on the State party to use the terminology guidelines issued by UNICEF. In any event, most of the children in such institutions were reportedly not orphans. She was also concerned about the limited preparatory training offered to adoptive parents and the lack of post-adoption follow-up to monitor adopted children's well-being. The delegation should also provide information about steps taken to ensure that adopted children could obtain information about their biological families and backgrounds.

The meeting rose at 1.00 p.m.